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LIFE AND TIMES

OF

SAMUEL GORTON



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THE LIFE AND TIMES
OF
SAMUEL GORTON

THE FOUNDERS AND THE FOUNDING OF
THE REPUBLIC

A SECTION OF

EARLY UNITED STATES HISTORY

AND

A HISTORY OF THE COLONY OF PROVIDENCE
AND RHODE ISLAND PLANTATIONS

IN

THE NARRAGANSETT INDIAN COUNTRY

NOW

THE STATE OF RHODE ISLAND

1592—1626—1677—1687

~~With a genealogy of Samuel Gorton's descendants to the present time~~

Compiled from various accounts, histories, letters, and published and unpublished records

By ADELOS GORTON,

Member of the Historical Society of Pennsylvania, the New York Genealogical and Biographical Society, the Rhode Island Historical Society, the American Academy of Political and Social Science, etc. Author of "Bible Prophecies," "Symbolic Language," "Antiquated Words," "Dictionary of the Bible," "Dictionary of Religious Sects," "Short Stories," etc. Collaborator with Hampton L. Carson, LL. D., in the preparation of "The History of the Supreme Court of the United States."



PHILADELPHIA

1907

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INTRODUCTION.

That all the principal facts belonging to the history of Samuel Gorton and his companions and the affairs with which they were associated, that are necessary to an understanding of them and a correct judgment regarding them, have never been given, alone, not with others, in one unbroken collection, and the desire expressed by many that these truths from every source should together shed their light upon these subjects, are the reasons above others that have prompted their gathering and issuing in this volume.

In this an essay is not intended, nor a discussion of subjects or opinions, but the setting in their order before the reader the various pertinent accounts and records; some of which when alone are misleading, others which explain the truth with fairness, many of which were written to defame the men and decry the measures they upheld, few of which were written to extoll them, and many of which, recording but events, have long laid unread and unpublished. We have in this followed the originals of the writings, quoting in full as many of them as were not precluded from this by their great length or the amount of their irrelevant matter; then endeavoring to as closely bide their phrase as permitted by the required abridgment of them. We have been sparing with our words of either praise or blame for those who have taken part in the transactions; giving rather the facts to show whatever is due them.

While a satisfied dominating people learn late by their experience, the student and observer so far transcends them in knowledge that his attainments often are, as such, beyond their recognition. And, too, from the general uncertainty, the reasonable suspicion, and worthy caution regarding untried things, the unselfish motives of some men have been misunderstood and the wisdom of their efforts unperceived by the people of the times in which they lived. If the members of all religious societies were not intolerant towards others who thought differently from them, they might, under then the political incitements, have become intolerant toward them upon gaining the strength to rule them. The weakness and consequent sufferings of some of them helped them earlier than others to see the wrong of punishing to correct belief and earlier to discern that the remedy was in the separation of Church and State.

The records of all the Colonies show that the Providence Colony had a larger share of troubles than any other colony; that the reason for this "larger share" was her storming by all the other colonies, that "her storming" arose from two inciting conditions. These "inciting conditions" were—the first, the prospect of the other colonies that her lands, located and inhabited without a charter, might be obtained by them. The second, the desire of the other colonies that her inhabitants, outcasts and refugees now aggrieved and unrestrained accusers, might be again brought under their jurisdiction for punishment.

The records of events in the Providence Colony show that the troubles there were principally from two sources—one operating from without, the other aided from without, but operating from within.

They show that the Providence Colony was founded and upheld and the interests of its people served principally by two loyal men, their followers and successors—one by his procuring the place and settling it, the other by his defending it, and as a consequence maintaining it.

They show that the Colony was nearly dismembered by the internal dissensions created principally by two disloyal men, subjects and agents of other colonies, their followers and successors; one by his fraudulently claiming the lands, the other by his persistently asserting, in opposition to the will of the people, his authority to rule them.

The greatest of these causes of turbulence was that regarding the lands. And for the possession of the lands, really more than for their religious opinions, the loyal people and rightful owners of the lands were assailed with the then political weapon of vile heresy and otherwise abused.

During the earlier period of this history the printing press was an institution of only the then powerful colony of Massachusetts; and not until about one hundred years after was a printing press established in the smaller and weaker colony of Providence and Rhode Island—unfortunately long after much of the best of the writings of the later colony were destroyed and the colonies' history, written by its enemies, had been in varied versions published and industriously spread throughout the land. Largely from this cause, all the men of those times who led in advancing the condition of their fellows in this colony have been the subjects of unlimited falsehood and calumny. Although men have, at every period since then, been assailed, there have been printing presses in every land, and many of them in the accused ones' hands, we therefore not left as were the early readers and later readers of this early history, dependent for information regarding men upon their enemies' accounts of them, but have the utterances of both their enemies and friends. However, we rejoice that the odium which rested upon the founders of the Providence and Rhode Island Colony as a result of the disadvantages related has been by the gradual revelations of truth removed.

The loyal sons and daughters of the State have ever honored and cherished, and their posterity will always hold in exalted remembrance, those who, by their unselfish love and labors for mankind, wrought out so much for us.

Doctor Lewis George Janes, in a valuable article on Samuel Gorton, published in the May, 1898, number of the *New England Magazine*, writes: "The nineteenth century has furnished an Easter morning for many of the worthies of our earlier period. Buried beneath the dust of centuries, with the stones of prejudice and obliquity sealing the mouths of their sepulchres, they have awaited the potent touch of the angel of the new historical method to remove the obstructions, tear from their forgotten forms the dusty cerements of misunderstanding and neglect and reveal to the world the living realities of their self-sacrificing labors and the results which are our leading inheritance.

To most readers, even the ordinary student of history, this work will be new and instructive, and, we trust, interesting.

A. G.

Philadelphia, Pa., July 1, 1907.

LIFE AND TIMES OF SAMUEL GORTON.

CHAPTER I.

Time, place and baptism of Gorton in Gorton, England—His education and religious training—A clothier in London—Business transactions preparatory to leaving for the colonies—His wife Mary daughter of John Maplet—Landing with his family in Massachusetts Colony—Laws prohibiting non-new-churchmen from living in Massachusetts Colony—Banishment of Wheelright, Aspinwall and others from Massachusetts—Gorton and Vassal settle in Plymouth Colony—Gorton volunteers in militia raised in response to Massachusetts colonies' call for aid to suppress the Indian invasion—His opposition to the proposed laws—Important issues of the election—Vassal and others disqualified from voting—Prince of Massachusetts Colony made Governor of Plymouth Colony—Why the Massachusetts Colony chose Prince for Plymouth's Governor—The Rev. Dr. Chauncey's troubles in Plymouth—The Massachusetts methods under Prince adopted—Prince banishes Gorton from Plymouth Colony—Dissatisfaction of Plymouth people, and therefore fines and disfranchisements—Vassal heads movement for religious toleration—Winslow's denunciation of Vassal's movement—How justice was administered by Prince at Plymouth—Gorton goes to Pocasset Aquidneck Island.

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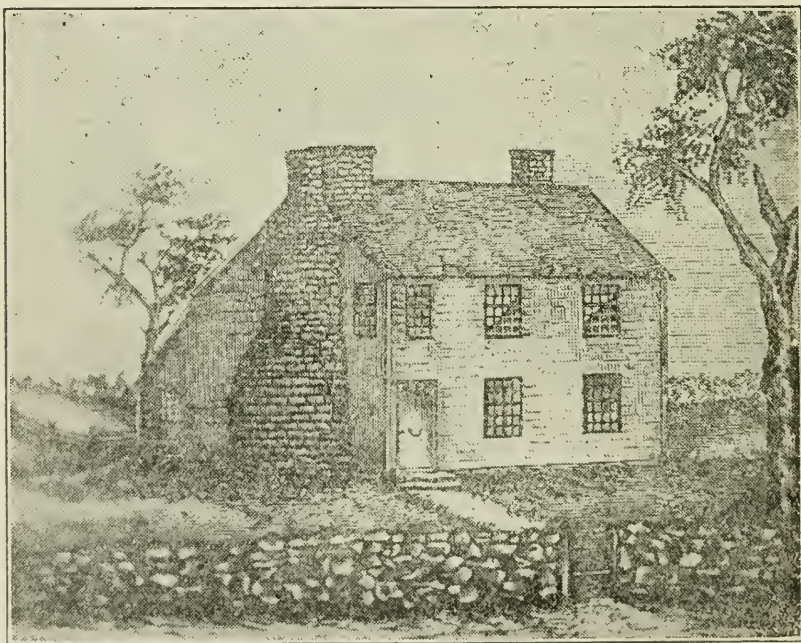
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SAMUEL GORTON'S HOMESTEAD. WARWICK.

CHAPTER I.

Time, place and baptism of Gorton in Gorton, England—His education and religious training—A clothier in London—Business transactions preparatory to leaving for the colonies—His wife Mary, daughter of John Maplet—Landing with his family in Massachusetts Colony—Laws prohibiting non-new-churchmen from living in Massachusetts Colony—Banishment of Wheelright, Aspinwall and others from Massachusetts—Gorton and Vassal settle in Plymouth Colony—Gorton volunteers in militia raised in response to Massachusetts Colony's call for aid to suppress the Indian invasion—His opposition to the proposed laws—Important issues of the election—Vassal and others disqualified from voting—Prince of Massachusetts Colony made Governor of Plymouth Colony—Why the Massachusetts Colony chose Prince for Plymouth's Governor—The Rev. Dr. Chauncey's troubles in Plymouth—The Massachusetts methods under Prince adopted—Prince banishes Gorton from Plymouth Colony—Dissatisfaction of Plymouth people, and therefore fines and disfranchisements—Vassal heads movement for religious toleration—Winslow's denunciation of Vassal's movement—How justice was administered by Prince at Plymouth—Gorton goes to Pocasset Aquidneck Island.

Samuel Gorton was born in the year 1592¹ in the town of Gorton,² then adjoining, but now included within the city of Manchester, England; where his fathers had lived for many generations, not unknown in the records of the heraldry of England.³ At this place he was brought up and received his early education.

During the receding days of his minority England was under the rule of the Conformist King James. The canons drawn up by the Convocation of 1606 inculcated obedience to the monarch's reign, deduced the origin of government from patriarchal blood, declared that no one should be admitted to sacred orders without a title, denounced all liberal views, and pronounced anathemas on all who rejected the canons' teachings. These canons were maintained by the higher clergy who zealously lent themselves to the support of the King's prerogative and to the shaping of everything to his views. The celebrated schools were under the control of persecuting Bishops. Laud was conspicuous in the universities, and so great was the corruption therein that many parents were discouraged from sending their children to them.⁴ The Universities of Cambridge and Oxford were set in opposition to the Parliament. Cambridge, as early as 1603, had passed a grace that whoever should oppose any part of the doctrine or discipline of the Church of England should be suspended from any degree to be taken.⁵ The University of Oxford pronounced a solemn decree that by the doctrine of the Holy Scripture it was unlawful to appear against the

¹Gorton's letter, 4th Series, Mass. Hist. Collections vii, 604. Baptism at College Church, Feb. 12, 1592-3. Dr. Howard's *Miscellanea Genealogica et Heraldica* New Series, 1877, Vol. i, pp. 321-5.

²No records of the very ancient town of Gorton prior to the year 1685 can be found; they, doubtless, having been destroyed in the troublesome times during and preceding the reign of Charles the First. As until the close of his reign all English lands vested in the Sovereign, and were parcelled out by him to his favorites, it is probable that the land was held by one of the name who sat off "The Gorton Parish Estate to the maintenance of religious worship in the parish."

³Gorton's letter to Nathaniel Morton, Force's Tracts, Vol. iv. The *Heraldic Seal*; Gules, ten billets or a chief of the second; crest—a goat's head erased, ducally gorged, which was used by the Gortons, is shown in Dr. Howard's *Miscellanea*, Vol. i, p. 379.

⁴Cobbitt's *Parliamentary History*, ii, 674, etc.

⁵Price's *Nonconformists*

King upon religion or any other account whatever; and all persons to be promoted in future to any degree were required to make oath that they detested the opposite doctrine and would always continue to have the same opinion.

Gorton's religious training was received in the English Church. In an address to Charles the Second he says: "I drew my tenets 'from the breast of my mother the Church of England.'"⁶ To the fundamental doctrines taught by the Church he ever firmly held, yet to the practices of that time in the Church and in the new Church set up in Massachusetts he was a Nonconformist.

We have referred to the corruption at that time in the Universities and the conditions under which sacred orders on scholastic degrees were at that time obtained from them that the reader should understand why the younger generation of conscientious Nonconformists, however much their delight in the opportunities for advancement in learning, were not only discouraged from attending, but were constrained even to condemn these famous schools; and because Gorton, having thanked God that he was not prepared for the ministry in them, "not bred up in the schools of human learning," and so "drowned in pride through Aristotle's principles," his enemies untruthfully proclaimed that he despised all human learning. Gorton had a high appreciation of learning, and was himself possessed of more literary education than any of the Rhode Island founders save Williams. He was instructed by able tutors, and he received a classical education from them; being studious, he became an accomplished scholar, more than ordinarily skilled in the languages and learned in English law; and his library was enriched with the standard "volumes in which the ancient statutes" of his country "were written." In law and in politics he understood his rights better than did Williams or the proprietors, or the elders and magistrates of Massachusetts.⁸ He approved of well educated ministers and teachers, and opposed only those of them who enforced for themselves the "divine rights" which had been taught them in the ancient schools. He ever gave his support to every means providing for liberal education and advancement of the people, and upheld, he says, in answer to the charges made against him, "not scrupling any civil ordinance for the education, ordering or governing of any civil state."⁹

It appears that he did not leave home till the age of about twenty-five or thirty; whether employed until that time in study or business we can learn only from that "he had not engaged in any servile employment until he settled in the colonies."¹⁰ His father had been a London merchant and a member of a guild, and his own wealth (from the length and persistence of his legal controversy in the colonies and in England) seems to have exceeded that of any of the early settlers in the Providence and Rhode Island Plantations.¹

Papers preserved show that in 1635 he was carrying on the business of clothier in London. On the 18th of June of that year John Dukinfield, of Dukinfield, County of Chester, England, gave him a release of all actions and claims of action, etc., from the beginning of the world to that date, apparently in the closing up of his business in London preparatory to his departure for New England. "He yearned," he writes, "for a country where he could be free to worship God according to

in England, i. 454; ii. 99.

R. I. Hist. Collections, Vol. iv.

Tracts, Vol. iv.

Force's Tract No. vi, 39. 40.

Defense, Staple's Ed., p. 42.

Tract No. vi, 76.

⁶Callender's Historical Discourse, p. 92.

⁷Gorton's letter to Morton. Force's

⁸Henry C. Dorr, in R. I. Hist. Collections. R. I. Col-

⁹Gorton's Innocency's

¹⁰Rider's R. I. Hist. Tract 17. Force's

Dorr: Proceedings Mass. Hist. Society, new Series,

what the Bible taught him, as God enabled him to understand it." "Samuel Gorton was," says Mackie, "one of the noble spirits who esteemed liberty more than life, and, counting no sacrifice too great for the maintenance of principal, could not dwell at ease in a land where the inalienable rights of humanity were not acknowledged or were mocked at. With all its industrial prosperity, its pleasing attractions to the eye of sense, its proud public annals and its dear private memories, England could not retain him from adventuring upon the then dread Atlantic and seeking out a spot among the self-denying settlers of a barren coast and a savage wilderness, where in thought, deed, word and act he might be free."² "I left my native country," he says, "to enjoy liberty of conscience in respect to faith toward God and for no other end."³

His wife who came with him to New England was Mary Maplet, daughter of John Maplet, gent, of St. Martin's le Grand, London, and Mary, his wife,⁴ a lady of education and refinement; and, as he wrote of her, "as tenderly brought up as any man's wife in the town,"⁵ little prepared to share with him the hardships of his exceptionally hard pioneer experience. Her father was, it appears, the son of the Rev. John, whose people had, if the assertion is true, early acquired a competency in the business of dealer in shoes.

The freedom of his disbursements and the advantages of education he extended to the members of his family reveal the comfortable condition of his circumstances and the elevated character of his daughter's early environments. That she was accorded by her parents the superior advantages enjoyed by the other children while she was with them seems reasonable.⁶ After her departure she was supplied by them with herds of choice breeds of cattle for the stalls and pastures belonging to her New England home.

Gorton landed in Boston in March, 1636-7, at the age of forty-four years, with his wife, his eldest son Samuel, then six years of age, and one or more other children.

It was a surprise to him and to many others, who, like him, came to New England to enjoy liberty of worship and escape the persecutions at that time of the English government, to find upon landing here that the new rulers had established over the new colony a new church government as austere as the old one from which they had departed; and to maintain it admitted as citizens only such as could qualify for the new church, both in form and doctrine.⁷ That every person not holding to the new rulers' opinion, Judge Story says, four-fifths of the people were thus disfranchised of all the privileges of a citizen, to vote or to hold land; that the freeman's oath had been changed under Endicot, from the government of King Charles and was to the government of Massachusetts,⁸ and was required to be given to every man above the age of six-

Vol. iii, No. 4, p. 210.

²Mackie's *Life of Samuel Gorton*, 2d Series

Spark's *American Biographies*, v, 319.

³Gorton: *R. I. Collections*, ii, 42.

⁴Will of Mary Maplet and bequest to daughter Mary, wife of Samuel Gorton, in New England. *N. E. Hist. and Genealogical Register*, xlv, 384. Will of Dr. John Maplet and bequest to his sister, Mary Gorton. *N. E. Hist. and Genealogical Reg.*, xlv, 153; li, 199. Deed, April 9, 1662, signed by Samuel Gorton, Sr., and Mary, his wife; *Early Prov. Recds.*, 3d Book, brass clasp, p. 0, 13, or Book 2, brass clasp, p. 613. Among Samuel Gorton's children were John, Mary and Maplet.

⁵Letter to Morton, Force's Vol. iv.

⁶Mary's brother,

Dr. John Maplet, who settled in Bath, Eng., was graduated A. M. and M. D. at Oxford; was elected one of its Preceptors; afterwards was Principal of Gloucester Hall, now Worcester College. Guidott said of him: "He was learned, candid and ingenious, a good Physician, a better Christian, and an excellent Latin Poet." *Guidott's Lives*, Stephen's & Lee's *Dict. National Biographies*, Macmillan & Co., 1893.

⁷Mass. Rec. 1631, i.

⁸Mass. Rec. 1634, i, 115, 117.

teen,⁸ with the penalty of his being punished and his land, if he had any, confiscated in case of his refusal to take it.¹⁰ Magistrates were empowered to fine or imprison all persons absenting themselves from the services of their church,¹ and no one could be admitted to the freedom of the commonwealth who had gathered in any other church meeting;² that no one without the magistrates' leave should inhabit in the colony;³ and that the magistrates were to examine and license those who could settle.⁴ Those who had settled in violation of these laws were commanded to depart. The orders were required to be enforced with severe penalties. Every person was forbidden to entertain a stranger in their house; to allow them the use of a lot; or *vitermine* an habitation.⁵

The time of Gorton's arrival was also in the midst of the proceedings against Wheelright, the brother-in-law of Annie Hutchinson, which proceedings began on the 19th day of March, 1636-7. He says that upon his arrival he found the people at great variance in points of religion, prosecuting it very hotly in their public courts unto fines and banishments of men of good report, both for life and doctrine even among themselves.⁶

There is no evidence or intimation anywhere that he took any part in these controversies, and from his writings we infer that it is not probable that he did. "He discovered that the liberty which he sought was not here; that the practice here was far short of the profession as he understood it; and the liberty which they practiced was only a liberty for themselves and not for their other fellow-Christians."⁷ Only by avoiding the attention of the magistrates could he have remained as he did with his family where he landed, barely long enough to rest from the fatigue of the voyage, make a hasty prospect and find a place where one with the liberty he sought would be allowed to settle. Within about two months from the time of his landing he took up his residence in Plymouth, intending to make that his home.

The Plymouth government was in some respects more liberal than that of Massachusetts. The Pilgrims, unlike the Puritans, had subscribed in their compact to the King and his statutes for their government.⁸ Although they had this early enacted that "no one shall live within the government of Plymouth without the leave and liking of the Governor and two of the Assistants,"⁹ they did not require of settlers that strict conformity to their church which prevailed in Massachusetts. Their freeman's oath was to King Charles; their Governor was chosen directly by the votes of the freemen, and they recognized the franchise right of nearly all settlers.

William Vassal, a man of fortune, who was one of the original Assistants named in the charter of the Massachusetts company and a founder of that colony, being dissatisfied with the proscriptive government set up there, returned to England, but recrossed the sea in 1635-6, settling in Plymouth colony.

Cotton, in his reply to Williams' Bloody Tenet, says that Gorton

⁸Mass. Rec. i, 137, 139.

¹⁰Mass. Rec. i, 137. Gammel's Life of Williams,

2d Ser., Spark's Am. Biographies, iv., 41, 42.

¹Mass. Rec. i, 140.

²Mass. Rec. i, 168, Mar. 3, 1635-6.

³Mass. Rec. 1630-5, i, 76, 103, 147.

⁴Mass. Rec. i, 141; 2d Ed. Winthrop, i, 100; Johnson Bk. ii, ch. 22, Pref. LXXX.

⁵Mass. Rec. R. I. Collections, ii, 46. Winslow's Defense. Armstrong's Hist. Baptists, 683. R. I. Hist. Tract v, 57. 2d Ed. Savage's Winthrop, ii, 209. Hutchinson's Hist. Mass., i, 26, 62, 147.

⁶Wheelright was banished from Mass. by the government under Winthrop and Dudley, who then, "according to the word of God," chose themselves Magistrates for life. 2d Ed. Winthrop, i, 220. R. I. Collections, ii, 42.

⁷Chief Justice Brayton, R. I. Hist. Tract 17, p. 9.

⁸Ply. Rec. xi, 6 Intd. Edgerton Ryerson's Loyalists of America,

⁹Ply. Rec. xi, 26. ¹⁰Judge Brayton, R. I. Hist. Tract

remained in Boston until there was sent over "directions to demand a £100 debt" of a citizen; "as if [though Cotton does not say it] his going was occasioned by the demand of and his refusal to pay an honest debt. If Cotton meant to intimate such refusal it is against the whole course of a long life of eighty-five years, forty years of which were passed in New England. He removed but about a day's journey from Boston. The courts were as open at Plymouth as at Boston, and he might have been followed to Plymouth, but he was not. But there are some facts which, in this connection, it may be proper to state, viz., Cotton's book was published in London in May, 1647, ten years after Gorton left Boston. Gorton was then in England, prosecuting his complaint against Massachusetts. The most speedy communication with Rhode Island was not open to him. He could not send by way of Boston, but only by way of the Dutch at Manhattan. This was long, tedious and difficult. Yet on the 30th day of September, 1647, about four months from the time Cotton's statement was first made public, the release of John Dukinfield, before mentioned, dated nearly two years before Gorton left England, was put by Gorton's directions upon the Colony Records at Newport, the most public place it could be recorded, and is the only instrument of the kind upon those records."¹⁰

Gorton began housekeeping at Plymouth in a part of a house he hired of Ralph Smith for a term of four years, taking a written lease for that time. The early opposition in Massachusetts to Roger Williams obliged him to retire to Plymouth. Finding difficulties here, he returned to Massachusetts, from whence he was banished. While in Plymouth he served as assistant to this Smith, who was then the pastor of the church at Plymouth. Smith "had," a church authority said, "the misfortune to possess more zeal than prudence." Upon the request of the congregation, he had, before the period of this narrative, resigned his pastoral charge and was rapidly falling into disgrace. (To purloining, etc., see through the whole Plymouth Colony Records.)

On the 7th of June following Gorton's settlement in Plymouth, the Colony, in response to a call from Massachusetts, resolved to send thirty men as soldiers, and as many more as were necessary, to Massachusetts to man a vessel to aid them in the Pequot war. The men volunteered for this service, and among the volunteers on the 7th day of June were Samuel Gorton and Thomas Gorton, the latter by some believed to have been his father and by others to have been a bachelor brother, who generally accompanied him.¹ His prompt and voluntary enrollment in this service for a neighboring colony this early reveals to us that which was ever afterwards observed in him, an unselfish readiness to, under all circumstances, fearlessly bear the responsibilities and perform the duties of a citizen "in the defense of the rights of others, as well as of himself." "They may well have deemed him a useful instrument at his first coming."²

The political issues at Plymouth were, at the time of Gorton's arrival there—the time approaching the annual election—of unprecedented interest and importance, for the reason that changes in the government were proposed, intended to subvert its order according to the Statutes to which the Pilgrims had subscribed to that of the Judaic system of intolerance which was established in Massachusetts. The church party of Plymouth and Massachusetts had rallied under the leadership of Prence of Duxboro, a Massachusetts Puritan, hostile to everything opposed to the church and zealous to submit everything to its rule, and

17, p. 15. ¹Ply. Rec. i, 61, omitted from the Index. Hutchinson's Papers, 59-62. The Pequot war was begun in Mar., 1637. The Fort was taken May 26, 1637. The war ended in Sept., 1638. ²Judge Brayton. Gorton was

had selected him for Governor of Plymouth Colony. In 1636 eight Deputies had met, four from Plymouth and two from each of the other towns, and in conjunction with the court revised and codified the laws.^a These Deputies were selected for only this purpose; were without any instructions by the people to introduce a representative system, although such a system these Deputies reported.^b Later in the same year another step was taken by the court which was clearly in the direction of a representative system. The function of the General Assembly was divided, the meetings for legislation were to be kept distinct from those upon the election, and in the latter voting by proxy was permitted.^c Another Act contrary to the will of the people followed, changing the character of the government "from popular to representative," transferring the power which was in the whole body of the freemen to Commissioners or Deputies, taking away from the people the choice of their Governor and giving the choice to a body of delegates. The old yet present method of rulers of so doctoring the Statutes that the will of the people cannot prevent the perpetuation of the rule of those who are in office. And, further, to better insure the election of subservient delegates, the number of freemen were diminished, William Vassal and other most worthy men being disqualified from voting.

The patent under which the lands were held was to "William Bradford, his heirs, his associates and assigns." This, joined to the other perils of the new system, occasioned alarm to the people, and filled them with apprehension lest citizenship and the land would, as in Massachusetts, be granted only to a few strictly qualified church members. Conferences between the Deputies and the people were held, which resulted in the suspension for a while of the conveyance of land by the Governor and Assistants.^d

The church party, however, by arbitrary methods soon prevailed, and succeeded both in making Prence the Governor and in the adoption of representative government; but the majority party did not quietly yield to the change, the popular voice was after the excitement, even under the disadvantage of quasi-representation, in a measure expressed by laying aside the Governor at the next election; and, although the new system which had been adopted in violation of the will of the people was maintained, it was maintained only by means of attending agreeable compensating concessions; by Bradford, who succeeded Prence, surrendering the charter rights in the lands to all of the freemen, and by admitting all who had taken the oath of fidelity to the government to a voice in choosing the delegates for the elections.^e

One of the reasons, says the Rev. Cotton Mather, why they of Massachusetts chose that Prence should be Governor of Plymouth was his hostility to the exercise of the gift of the established ministry by private brethren; and this point, he says, was gained in his election.^f "Private brethren" were those not approved by the new church, whether they had or not received church orders.

In May, 1638, there came to Plymouth an eminent scholar and preacher of the Gospel, who was born in the same year as Gorton, and of whom he speaks as "a Godly man;" learned in the original languages, a professor some time of Greek and of the Hebrew, now silenced as a minister in England. He had been sent for to be settled as the minister of Plymouth, but, differing from the church as he found it here, the

afterwards convinced that the wars upon the Indians were unnecessary, and he opposed them and that which followed the sale and enslavement of the captives.

^aPly. Rec. xi, 6.

^bPalfrey's Hist. N. Eng., i, 546.

^cPly. Rec.

xi, 80. ^dPly. Rec. xi, 31, 33.

^ePly. Rec. xi, 91, etc.

^fFirst Am. Ed. Mather's Magnalia, i, 106.

^gIn 1654 Chauncy was elected

matter was submitted to the members of Plymouth and other colonies. All were against Chauncy and he was not settled. After preaching as aid to Raynor for a while he was called to Scituate, the town adjoining, in Plymouth Colony, where he remained, although with frequent troubles, for more than twelve years.⁹

Gorton, we are assured, was the most determined leader of the people in their opposition to the church system, not even excepting their active leader Vassal. Gorton also was one of those who, for the exercise of the gift of the established brethren, was a subject of the hostility of Prence, the point gained by his election.

The law referred to against harboring strangers was now for the first rigidly enforced by Prence's administration, in deporting those who were not in harmony with it in their belief and conduct.

There was and had been for some time prior to November, 1638, living in Gorton's family a widow by the name of Ellen Aldridge, a woman of good repute, careful of her reputation, who had lately come over and was employed by his wife as a servant in the family. "It had been whispered privately that she had smiled in the congregation (a similar instance is recorded in an early law docket of Trumbull's. "Susan Smith, on the Lord's day during Divine service, did smile." Fined five shillings and costs of prosecution), and the Governor Prence sent to know her business, and commanded, after punishment as the bench see fit, her departure and also anyone who brought her 'to the place from which she came.'" Gorton says they proposed to deport her as a vagabond, and to escape the shame threatened to be put upon her she fled to the woods, where she for several days remained, returning at night to his home for shelter. Gorton appeared at court [Dec. 4, 1638] in defense of her, showed that the offense was not recognized in the English law, to the protection of which he appealed, and that she was no vagabond, that she was a woman of good report and by diligent labor earning her bread. He was charged with deluding the court of her, and he was bound to answer for this contempt at the next sessions.

Gorton had now made Plymouth his home for eighteen months, and he was described as quiet and peaceable; a useful citizen; kind, courteous, agreeable. He appeared at the next sessions of the court to defend himself for defending this woman; was fined for seditious conduct and limited to fourteen days to remain in Plymouth. This is Gorton's truthful account of it, agreeing exactly with the official records.

During the agitation attending this the emotions of Ralph Smith, the ex-pastor before mentioned, became excited, and he, taking sides against Gorton, ordered him to vacate the house. Gorton persuaded Smith to leave the matter to Deacon Cook and others for arbitrament, but the Governor Prence, learning of it, imperiously commanded the papers out of their hands and destroyed them. This Ralph Smith affair, which was not a case in court, was settled in Smith's favor by the former case which was in court, by its act of Gorton's banishment, which, of course, compelled him to abandon the house.

The only charge of the court against Gorton, the alleged sedition, occurred in the half hour at the court in which he appeared for defending this woman.¹⁰

successor to Henry Duster, the first President of Harvard College. Stephen's Dict. Nat. Biog. Brayton, R. I. Hist. Tract 17. Mass. Gen. Reg. X, 105. Baylie's Plymouth, ii, part 2, pp. 258-265, *Seq.*

¹⁰Charles Dean, in an article published in 1850, unfairly compares Gorton's story of Plymouth's dealings with his enemies' story of it. Mr. Dean is unfair because he ignores Plymouth's official records of it, which show that only Gorton's account of it is true. Ply. Rec., i, 100, 105. Force's Tracts, Vol. 4, Nos. 6 and 7. Judge Brayton, R. I.,

This action against Gorton was very unpopular. People, such as inhabit our towns and make up our courts to-day, would have appeared and been heard in opposition to the magistrates; but those of that generation had been bred under oppression, and been, many of them, by sad experience, made docile to those who claimed the divine right to rule them. Yet the people left upon the official docket a record that is, although in quiet form, a remarkably strong and Unanimous Protest to the Proceedings. Every one of the sixteen, upon whom the court depended for the trial and its orderly proceeding, attested their disapproval and dislike to it by their absence. All of them were fined once, and most of them twice, and many of them three times, by the magistrates for persistent non-attendance.¹ This, like most of the other persecuting trials in Plymouth and Massachusetts, was conducted by a handful of church-magistrates in their own imperious way. To the honor of Plymouth and Massachusetts it can be said that they never were approved by the people.

William Vassal, before referred to, who had settled in Plymouth Colony, was one of the foremost in the movement to abolish the distinctions that were maintained in civil and church state, and to have the government administered wholly by the laws of England. Nine men, but two of half the whole number of freemen from Vassal's town, Scituate,² were at this same court of Prence's at which Gorton was sentenced, presented for speaking disrespectful of the Governor and magistrates or assistants, and for without license admitting strangers and foreigners to their houses and lands.³ When, in 1645, Vassal's movement had extended beyond Plymouth and into Massachusetts, Winslow of Plymouth wrote to Winthrop of Massachusetts a letter of commiseration on account of it, with a description of what had been attempted at Plymouth and a lamentation in the following strain that such a spirit of toleration had arisen and was prevailing: "The sum of it was," said Winslow, "to allow and maintain full and free toleration of religion to all men that would preserve the civil peace and submit unto government. But the Governor, Mr. Prence, and myself expressed the sad consequences that would follow [yet, notwithstanding, it was required according to order to be voted], and the Governor would not allow it to come to vote, as being that would eat out the power of godliness." "You would have admired to have seen how sweet this carion relished to the deputies." "If you have heard of the particulars and the persons, especially the ringleader of the rout, you may gather the more insight by this general."⁴ Though early a liberal Governor, he (Winslow) later imbibed some of the persecuting spirit of Massachusetts.⁵ But a majority of the General Court of Plymouth, among them Brown, Hatherly, Standish and Freeman, were in favor of Vassal's movement. Yet, knowing this, Prence the Governor could override the Deputies and the people, and even violate the established order of the court, as he did by refusing to put the question to vote.⁶

Prence, "the only persecuting Governor of the Plymouth colony,"⁷ industriously and relentlessly enforced the Puritan church policy. His very first act as Governor was the whipping of Web Abey, upon the unreliable testimony of the same before-named Ralph Smith, that the man had upon a Sunday bestowed some labor upon his garden. Richard Smith, a prime leading man in Taunton, for his conscience' sake, many

Hist. Tract 17, *Seq.*

¹Ply. Rec., i, 104, 126.

²Twenty-two

freemen, nineteen others, in all but forty-one, was the entire adult male population of the town. Baylie's Hist. Ply. Colony, i, 282.

³Ply. Rec., i, 106.

⁴Winslow's letter, Hutchinson's Papers, 172-175.

⁵Loyalists of America,

i, 97.

⁶Loyalists of America, i, 104.

⁷Loy. of Am., i, 12, 104

difficulties arising, was compelled to leave, and settled in Narragansett.⁸ And one, Master Doughty, a minister and a man of means when he came to the colony, was ruined by fines and then forced to go away with his wife and children.⁹ Not all of these, or of other like cases, are entered in the official records, yet those that are there are too numerous to here permit their further enumeration. Bradford, the people's candidate, succeeded Prence in the chief office; and Prence did not for nineteen years thereafter, not until Bradford's death, and with the assistance of the Massachusetts magistrates, again secure the office.¹⁰ His temper was then the same, severe and unimproved by his experience and long waiting. Upon regaining the Governorship and judicial seat, his first act was to appoint a committee to revise the laws. New ones against the Quakers were under his leadership immediately enacted, and the law that the Governor should hold the office "one whole year, no more,"¹¹ was to provide, as in Massachusetts, for a tenure for life, changed to "until another be elected."¹² Now, under the representative system which he had been foremost in establishing and by the delegates of his promotion and handling, he was many times re-elected to the office. His rule was one of exceptionally severe persecution and cruelty.¹³

Having made but brief reference to the court in which Gorton was tried, let us return to it for some particulars of the trial. The court is the accuser. At the first hearing the court, enlarging upon a point, aggravated the matter more than Gorton thought it deserved, so much so that he said they "were speaking hyperbolically." The magistrate, not understanding that term, turned to their Elder, Brewster, for an explanation, and the explanation was that he, Gorton, had told the magistrate "that he lied." Gorton "thought that this would not do to apply to the Scripture of Truth." At the final hearing Jonathan Brewster, the son of the ruling Elder and the one that explained the hyperbole, was the Foreman of the Jury. Winslow says, Gorton being called, and the Governor (Prence), because he was weary of speech to other causes, requested one of the magistrates, who was present at the commitment and privy to the whole cause, to state the cause of his bonds in the great affront he had given the government. The magistrates, Gorton asserted, should not be parties and judges; that the place of a Prosecutor was not in the Judge's seat, but "down here where a Prosecutor should stand;" and he called the people to witness how their liberties were abused. The cause was stated, however, by one of the magistrates, the one who presided at the first trial. Magistrates and divers Elders were allowed to speak as Prosecutors, while, though there was no Attorney at Plymouth to speak for Gorton, the Foreman of the Jury moved that he should not be allowed to speak for himself. His reference to the English Statutes was not regarded. Magistrate nor Elder would listen to recitations from them, but all urged that punishment should be inflicted.¹⁴

The following is Chief Justice Brayton's description: "I have endeavored to figure to myself the court scene as it occurred at that trial. Here is a tall, spare man, with arms proportional, and urging gestures, a man of independent spirit, as intelligent as any member of the court before which he appears, having a character for truth, for honesty, for morality, for courtesy to all, and for Christian charity; a quick sense of justice, earnest in the defense of the rights of others, as well as of himself; having a just pride in his ancestry, no one of whom had ever

note.

⁸Roger Williams' letter, Br. State Paper Office.

⁹Baylie's

Hist. Ply., i, 289, 290.

¹⁰Ply. Rec. and Bradford's Hist. Ply., 362.

¹¹Ply. Rec., xi, 7.

¹²Brigham's Ply. Laws, 37. 2d Ed. Winthrop, i, 219,

220 and note.

¹³Ply. Rec., i and ii.

¹⁴R. I. Hist Tract 17.

been thus treated, whose boast it was that he never laid his hands in violence upon any human being, not even upon his children; a man who, though he would avoid the ecclesiastical law at home or here, yet desired to be governed in all civil respects by the common laws of England with its ancient Statutes. He is here *for the first time arraigned for any offense whatever*. The charge now is that he endeavored to keep away from the court a reputable woman, *charged with no offense* (a servant in his own family), to prevent the disgrace upon her of being *treated as a vagabond* and her to remain a faithful servant.

"The court here was one in whose breast *alone* by the Statutes of Plymouth was vested *the kind and the measure of punishment of every misdemeanor* 'as God had enlightened them.'

"This man was standing before this court and in the presence of a jury empanelled to try his case, and awaits the charges to be stated by the Prosecutor or accuser.

"It came *from the court which sits in judgment* and from the mouth of that member, who, *when the court was held more private, stated the charge with such gross aggravation*, and who now probably states it with the same aggravation.

"Is it strange that he should *object to his accusers sitting as his judges?* and should say that the place of an accuser *should not be in the judgment seat*, but '*down here*,' the place of a Prosecutor. 'Let them not be *parties and judges*.'

"They continue to sit in judgment. He attempts to defend himself; he most likely called their attention to the ancient laws of England, and in the language of these laws, for he says, elsewhere, he was not allowed to speak *in their language*. He endeavors to defend himself, nevertheless.

"And now *the foreman of the jury*, the son of the ruling elder who explained the hyperbole, not content *with performing his duty as an impartial juror*, rises and *moves the court that he shall not be allowed to speak for himself*, and, there being no Attorney at Plymouth, *in effect that he should not be defended*.

"What would such a man *in such a presence and under such circumstances* be likely to say or do?

"Would he, while his accusers sat in judgment upon him, *quietly asquiesce in the justice of it?* or would he not rather *challenge them for partiality and that warmly?* and when his objection was rudely overruled, *is it strange that he should say with warmth, somewhat mingled with indignation*, '*Let them not be parties and judges;*' or that his long arm should be stretched out either toward the bench or to the audience, *with the spirit that moved him?*

"He attempts to refer to the laws of England [he is a loyal man] as bearing upon the question of his guilt; *they are not allowed to be named*. He attempts to speak in the '*language of them;*' he cannot speak '*in their language.*' and his defense is restrained.

"Now *the foreman of that body of men who are to try him, and who he supposed were impartial*, rises and attempts to cut him off from further hearing and to close his mouth.

"I repeat, what would *such a man*, of an independent and fearless spirit, be likely to do or say under these circumstances? *Would he not rise to his full height, and, breasting himself to the storm, not merely warmed, but fired with indignation, vent himself in impassioned language, and breathe out his feelings of wrong and oppression? would he not be eloquent* [for he is said to have been eloquent], and might he not be excused, if, *moved by the spirit, his gestures were vehement, if he 'threw his arms about?'*

"All this defense and attempted defense were pronounced to be turbulent and seditious; and so, on the 4th day of December, 1638, he was sentenced to depart from Plymouth, his home, his hired house, his wife and children, and to be beyond the utmost bounds of it within fourteen days."

His departure from Plymouth was in the extremity of New England mid-winter, and happened in the midst of the greatest tempest of wind and snow recorded of the times, from the severity of which many of the colonists were frozen and perished.⁵ "When the snow was up to the knee and rivers to wade through up to the middle, and not so much as one Indian to be found in that extremity of weather to afford either fire or harbour, such as themselves had, being retired into the swamps and thickets, where they were not to be found in any condition, we lay divers nights together, and were constrained with the hazard of our lives to betake ourselves to Narragansett Bay."⁶ Through which he was preserved and came within the limit of his sentence, on December 18th, to Pocasset, the nearest settlement, of about twenty families, on the upper portion of Aquidneck Island. This island is in area nearly one thirty-fifth part of the colony.

CHAPTER II.

The settlement of Pocasset Aquidneck Island—Magistrate Coddington deposed from office in Massachusetts—Deacon Aspinwall banished from Massachusetts—Rev. John Clark, Coddington, Aspinwall and others sign a compact for a new government—Coddington called to answer in the court at Boston—Clark, through Williams, obtains the island—Clark settles on the island—Coddington settles there over a month later—Mrs. Hutchinson leaves Boston—Her settlement upon the island—The Boston church disciplines Coddington and others—Coddington adds the Massachusetts order of Elders to his government—Coddington and his Elders left out of office at the succeeding election—Overthrow of the government of Elders—Coddington again removes, carries off the records, and starts another town and church government—Gorton and Hutchinson organize a model civil government on the island—Hutchinson Governor and Chief Judge—Gorton Deputy Governor and Assistant Judge, and the first Quarterly Courts and the first Trial Juries in the colony—They change name of town to Portsmouth—Coddington makes propositions to restore him to government—He seeks a patent for the island—Gorton's opposition to Coddington's return to government—Coddington writes to Winthrop and seeks aid—Desired help sent from Boston—The return of Coddington with his Elders and their usurping of the government—Massachusetts and Plymouth methods adopted—Anonymous accounts and what really happened at Portsmouth—Coddington troops quell the disturbance—Gorton leaves the island—Clark and Lenthall break from Coddington and join the liberal party—Dismemberment of the church—Beginning of the Baptist Church—Lenthall's departure—the exodus from the island.

Pocasset, the first settlement upon the island, was made in 1637-8 by John Clark and his followers, who were of the party of Massachusetts Puritans in sympathy with John Wheelright. At the Massachusetts May, 1637, election all the magistrates were chosen from the party of the Covenant of Works, and Vane, Coddington and Dummer of the opposite, Covenant of Grace, the party to which John Cotton for the time adhered, were left out of office.

The defeated magistrates showed their sense of injury by leaving the seats appointed for the magistrates at the public worship, though Win-

⁵Dec. 15, 1638, 2d Ed. Winthrop, i, 344.

⁶Simp. Defense, R. I. Hist.

throp sent to them, desiring them to sit with him; and, on the day appointed for a Fast, October 12, 1637, on occasion of the Pequot war, they deserted the Boston congregation and spent the day with Wheelright at Mt. Wolliston, listening to him.⁷

More than sixty male members of the Boston Church had remonstrated to the proceedings against Wheelright. One of them, Deacon Aspinwall, a magistrate, was dismissed and banished.⁸ Deacon Coggershall, another representative, although not a signer, but a justifier, was dismissed.⁹ Most of the other remonstrators were required to deliver up their arms. From among the latter John Clark proposed and Winthrop advised a removal of them from the jurisdiction. After some prospecting they met Roger Williams, upon whose advice they concluded to settle upon the island of Aquidneck, which he, out of love for Clark, agreed to secure for them;¹⁰ and they returned to Boston to arrange for removal in the spring.

On March 7th, 1637-8, Clark, Aspinwall, Coggershall, Coddington and others, in all nineteen in number, most of them long esteemed members of the church at Boston, and most of whom were under no offense at all and were never censured,¹ drew up, in one, a church covenant and compact of government, with the references, Exodus xxiv. 3, 4; First Chronicles xi. 3; Second Kings xi. 17, affixed to it, to all of which they subscribed.² The form was that of the Puritans submitting themselves to God and the Bible, to be ruled thereby, being different from the Pilgrims, who subscribed to the King and his Statutes for their government. Coddington, who had long served as a magistrate, who was one of the magistrates that expelled Williams from Salem,³ having large experience in government, they made judge—the sole judge to rule them. This was a fortnight before the excommunication of Mrs. Hutchinson.⁴ After the signing of the compact and thereupon, March 12th, Deacons Coggershall, Coddington and several others of the party were called to appear at the court in Boston to answer about their departure or remaining, Winthrop advising them to go off only for a time and then to return.⁵

On the 24th of the month Williams obtained the island of Aquidneck for them. The Sachems, Cannonicus and Miantinomi, had three years before made a verbal tenure to him of Mooshausic. He now drew up to himself a formal grant for it, and also a grant to Clark's company for Aquidneck and two other small islands, which these Sachems executed. "It was obtained," Williams says, "by love; not price nor money; by the love and favor which that honorable gentleman (Vane) and myself had with that great Sachem Miantinomi. Thousands could not have bought of him Providence, Pautuxet or Aquidneck, or any other land I had of him." Upon Williams' advice a gratuity of some beads, coats and socks was made up by Clark and his party and given to the Sachems. "I," Williams says, "drew up a writing in as sure a form as I could at that time, for the benefit and assurance of the present and future inhabitants of the island."⁶ And, as Coddington was made the

Collections, ii, 47.

⁷Ellis' Life of Annie Hutchinson, Spark's Am. Biog.,

246, 259.

⁸Ellis' Annie Hutchinson, 343.

⁹Ellis' Annie Hutch-

inson, 274, 275.

¹⁰Clark's Acct., 4th Mass. Collections, ii, 24, 25.

¹Callender's Hist. Discourse, R. I. Collections, iv, 81.

²Island Compact,

original records and "copy" in Bartlett's R. I. Rec., i, 52. Boston Church Covenant, R. I. Collections, iii, 126.

³The Magistrates or Assistants who filled the offices of Governor, Deputy Governor and Treasurer, the latter Coddington, are mentioned by the last named titles, instead of by their names, in the printed records of this sitting of the Court of the Assistants.

⁴Mrs. Hutchinson's trial was in Nov., 1637. Her detention followed. Her banishment was Mar. 22, 1637-8.

⁵Ellis' Annie Hutchinson, 319, 343. Spark's Am. Biographies, 2d Ser., vi.

⁶Williams' letter, Narragansett Club Papers, v,

head of Clark's company, the grant was drawn to "Coddington and his friends."

Clark, with most of the company, immediately settled on the island. Afterwards, on the 26th of April, Coddington, with his family, joined them. At their first meeting following, May 13th, they located the town Pocasset and a meeting house. They "gathered a church" of excommunicated and admonished members of the Boston and Roxbury churches, of members still attached to these churches who had never been censured nor dismissed, and some new professors.⁷ They adopted a freeman's oath or terms of admission to membership in their government, which was of fidelity, not to known civil laws, but to the laws of Moses, according to the opinion of "the judge in matters of judgment." And they sat up a court which was a modern Sanhedrim, its government, except in the sympathy briefly tempering it to those who held to the covenant of grace, of slight improvement on the one they departed from in Massachusetts.

Mrs. Hutchinson, who had been convicted of heresy and confined in Massachusetts, upon her release, the 28th of March, 1637-8, went to Mt. Wolliston (Braintree) to her husband, who had joined with the others in procuring the island of Aquidneck, and they, with other friends, during the summer went to the island. Whether Mrs. Hutchinson's admittance as an inhabitant of the new island town was accompanied with her reception to the church is uncertain but very likely, for the church, which was organized before her arrival, had "objectionable members."

Those of the island church whom the Boston church still hoped to influence were called into question for receiving the objectionable members and for participating in such a sin. Coddington, being on a visit to Boston, was brought under the discipline of the church there, confessed himself in fault, and was solemnly admonished; and others of them, who were wont frequently to visit Boston, were called to answer by the authorities. The members of the island church were thus dealt with as often as opportunity afforded, and by the performance of such acts of discipline, so often, its leading members became greatly weaned from attachment to Mrs. Hutchinson and the so-called antinomians.⁸

There was the same difference between Gorton's views of government and the government established here that there was at Plymouth. It was not the bare objection attributed to him that the islanders were without a charter. Although Plymouth had one "by which," he said, "authority was derived, which authority I revered," her government was scarcely less objectionable to him on account of it. His objections to the government on the island were that those who administered it observed not the laws of England, of whom they were subjects, nor the rights they provided for her subjects, that they had received no grant of sovereignty from her, nor were they ruling by the suffrage of a majority of the people, but had set themselves up as rulers and were governing by their own interpretations of laws from the Bible. Gorton was a student of law. His library he brought with him from England contained the standard authorities,⁹ and he understood his own and the people's rights better than did these judges and elders.¹⁰

The few admitted "freemen" who sustained Coddington's government had already become a moiety of the people, and even they, most of

⁷2d Ed. Winthrop's, i, 357. Callender's Hist. Discourse, 81. Ellis' Annie Hutchinson, 326. Arnold's Hist. R. I., i, 138.

⁸Ellis' Annie Hutchinson, 327.

⁹R. I. Collections, ii, 80. Library to Samuel, Jr., Austin's Genealogical Dict.

¹⁰Dorr in R. I. Collections.

¹¹Minutes Warren Baptist Assn., 1849.

them, had become dissatisfied and desired relief from its despotic tendency. It, on the 22d day of January, within a month after Gorton's arrival there, impelled probably by the necessity of stemming an outbreak of the opposing masses, adopted an amendment for the purpose of gaining a firmer administration; by which the form of the government was changed from that of Hebrew judges to Hebrew judges and elders, a form more highly Puritan and more in keeping with the church order. This was effected by "choosing and calling" the "elders of the church," Coggershall, Easton and Brenton, "into the place of Eldership" in the government, to rule with Coddington, and to allot only to acceptable tenants the use of the soil.² The Judges and Elders to account for their acts to the body of freemen every quarter of the year, that what had been done might be confirmed or repealed by the act of the body. The Sergeant was to attend all meetings of the Judges and Elders and to inform them of all breaches of the law of God that tended to civil disturbance.³

The government was, under this form, carried on at Pocasset a little less than four months; whether the rulers gave an account to the body of freemen at the end of the quarter, April 2d, does not appear from the records, but on the 28th day of that month the majority⁴ of the freemen were that dissatisfied with their government that they would not endure it longer. They, therefore, put out Coddington and the three Elders and chose in the place of the former William Hutchinson.⁵

Gorton was the principal leader in this movement, the overthrow of the government of Judges and Elders, who, he said, had "changed the government from what it was originally," and who here, as elsewhere, had denied freedom to all but themselves. No charges of official derelictions appear of record against the deposed leaders, although an "offering" shortly after issued by themselves implies that such had been made.⁶ That they had been despotic in their administration is proven in that of the seventy-three now inhabitants but twenty-three had been made "freemen," and thus the large majority of more than two-thirds of the inhabitants were debarred from holding land and from the right to vote. Besides, to this large dissatisfied majority who were not freemen were added, on account of Coddington's denial of them of the land rights justly claimed by them, nearly all of the original compact freemen and nearly two-thirds of all who had been made freemen.

Coddington being named in the Indian grant, his right in the land was evident, while the rights in it of the others with whom he joined in securing it, but who had not their names placed in the grant, was subjected to change and question. British lands were at this time held under the feudal system, the Indian Sachems being recognized by the English government as the feudal lords of the soil. Coddington, by virtue of the Indian grant, himself assumed the lordship and disposal of the island in tenantry only and to those who pledged fealty to his government and became his friends. The land was voted by Coddington and his council to this tenantry⁷ for occupancy and improvement, and was again voted away from them if they opposed his intended doings or failed to build.⁸

As a consequence of these conditions the land troubles became severe and continued so, events encouraging Coddington, while the land holdings remained in this unsettled state for thirteen more years, when, after about half of those who had joined in securing Aquidneck had from the various causes departed from the island, those remaining,

²R. I. Records, i, 63, 64.

Ed. Winthrop, i, 356.
May 20, 1638.

⁴R. I. Records, i, 65. Callender's R. I. Collections, iv, 116.
⁵Judge Brayton's R. I. Hist. Tract, 17.

⁶R. I. Rec., i, 93.
⁷Records, i, 54, 55.
⁸Records, i, 59, 68.

⁹Records, i, 45, 51. R. I.

by fortuitous circumstances hereinafter related, drew from him an acknowledgment of the land rights that belonged to them.⁹

As before, when left out of office in Massachusetts, Coddington and the three Elders, with Dyre the clerk, and two of the original members, John Clark and Henry Bull, and two other persons, Jeremy Clark and Thomas Hazard, who had not been admitted members, determined to remove and propagate a new plantation.

These ex-officials took the books of records and land evidences of the Pocasset government, which they had no right to, with them, and with the others, in all nine persons, removed twelve miles down the island, where they started, April 28, 1639, the town of Newport.¹⁰ For their government they resolved "our determination shall be by Judge and Elders," and while at Pocasset the Judge had but one, they resolved now for a government of greater strength, "the Judge to have *double* voice," or vote. "They carried on this government at Newport as they had at Pocasset, with this variation only: The Judge, who before had but one, now had a *double* voice. They still judged according to the law of God as the Judge should determine." This was not a civil government.¹

Gorton and his friends, the majority of the people, those who remained at Pocasset, none the less than others acknowledged the presence of the necessity for government and approved of government of necessity without a charter, sanctioned by the people and in accordance to known statute law.

Two days after removal from Pocasset of those who had been left out of office, on April 30th, those that remained at Pocasset that had not been members of the government—inhabitants dwelling there—with William Hutchinson as an original member, by a written compact, whereby acknowledging themselves "legal subjects of King Charles," they bound themselves "into a Civil body politic, unto his laws, according to matters of justice." To this compact, *already acknowledging His Majesty's Laws* for their government, each member "*particularly recorded,*" "*underwrote*" his "*agreement*" and "*acknowledgment.*"

William Hutchinson and Samuel Gorton lead the list of subscribers to this compact. Among the names subscribed to it, Samuel Gorton, John Wickes, Sampson Shotten and Robert Potter, residing there, were afterwards original purchasers of Shawomet—none of them members of the church compact.

The record of this new compact further is: "According to the intent of the foregoing instrument, we, whose names are hereunto particularly recorded, do agree, jointly, as by major voice, to govern ourselves by the ruler or judge amongst us in all transactions for the space of one year, he behaving himself according to the tenor of the same."²

The names of chief officers of this new government were erased from the records by a succeeding administration, but we learn from Baylie that they chose William Hutchinson [who is first on their list of members] Governor.³ They chose one, and Samuel Gorton is next on their list of members, Deputy Governor. They terminated the office of Elderships and chose four they called Assistants. These, with a Recorder, Treasurer and Sergeant, for the help of the Governor in his

Hist. Tract, 1st Ser., iv, 23, 24. After the King Philip's War, when the records of the many early settlers were destroyed and nearly all the land of the island stood in the names of Coddington and his serviceable friends, the lands were by Legislative Act confirmed absolutely to those in whose names they were at the time of the passage of the Act recorded.

⁹Nicholas Easton, one of the three who were appointed Elders, gave the name Newport to the new settlement. R. I. Collections, vii, 330. ¹Chief Justice Brayton, Rider's Hist. Tract, 17, p. 47. ²Portsmouth, R. I. Rec., i, 70, 71. Rider's Hist. Tract, 17.

³Baylie's Dissuasive from the Errors of the Times to 1645, p. 150. Palfrey's

administration for one year. The titles of Governor, Deputy Governor and Assistants were given to the officers of the government in their official records, and they were the first of these titles in the colony.⁴

"It was a government to exist for one year. It was a government of law—English law. They provided for courts to be held every year and every quarter of the year, and for a jury of twelve men to do right betwixt man and man."

The men chosen as Assistants might consult among themselves and put an end to controversies not amounting in value to £40 sterling. The Judge, with the jury to decide it, if brought to the public court. *This was the first government in the colony with Magistrates governing only in civil things; also was the earliest provision for a jury trial, and for regular courts for the trial of causes made in the colony.*

This government differed as wide as the poles from any system at the Bay, or as yet at Newport. "It was the first government in the colony organized like our government of to-day and maintained by universal suffrage. No religious tests of political qualifications were prescribed, every permanent inhabitant was a citizen. The government at Newport continued to be administered as it had been—justice and judgment to be impartial, according to the law of God."

They, at Pocasset, were living under a different form of government—an entirely different system—had acknowledged their allegiance and submitted to the laws of their King, and were now living under a compact which swept away the whole Puritan polity.⁵ It was a model government. It changed the name of the town to Portsmouth. It held regular meetings monthly.⁶

They at Newport, governing there, desired to be restored to governing at Pocasset, now Portsmouth, and had at an early meeting appointed Commissioners to negotiate with the "brethren at Pocasset" for this end; but neither Hutchinson, Gorton or any others in place in the Portsmouth government entertained the negotiators or their proposals. Not discouraged, they at Newport, on the 25th of November, 1639, further ordered that the Commissioners formerly appointed to negotiate the business with our brethren at Pocasset shall give them our proposition under their hands, with their answers, and shall give reply unto it, and so shall return to the body a brief of what they therein have done.⁷ They also appointed a committee for the purpose of obtaining a patent for the island.

We are not informed what all the inducements were which Coddington offered to effect the restoration of his government to Pocasset. Those with him at Newport had been liberally allotted land, and would, with Portsmouth, have larger bounty of lands and of homes to be confiscated when they returned.⁸ The Pocasset brethren were without a land title, could not pass any, nor secure any from Coddington unless

Hist. N. Eng., i, 515 note. 2d Ed. Winthrop's Journal, i, 356. 'Ellis' Life of Annie Hutchinson. Portsmouth and R. I. Recds. There were thirty-one who signed the Compact for Civil Government, and whose names are upon the original papers. Two of these names, those of Wm. Aspinwall and Thos. Savage, were crossed over by some one and are omitted from the printed records; but they belong to the list. Both of these men lived in Pocasset all the while Hutchinson was Governor. Savage did not leave until Feb. 2, 1639-40, after Coddington had provided to return there. Aspinwall was there when the Boston Church Committee visited the island Feb. 28, 1630-40, and for two years after. With all the mutilation which the R. I. records underwent in the hands of the Coddington party, to favor their government, many errors, aggravating the deception, were also made in the copying, arranging and printing of them. They should be reprinted from the originals. ⁴Chief Justice Brayton in R. I. H. Tract, 1st Ser., 17, pp. 50, 51.

⁵Records, i, 99.

⁶Records, i, 72.

⁷Indian Grant, R. I. Rec., i, 45.

⁸Records, i, 94.

⁹Records, i,

they, by again supporting him, became "his friends."⁹ It appears, too, that the government by Judge and Elders was not to be readopted by him if he were again received by them. Another, a significant "offering," is recorded from the Newport brethren to the Pocasset brethren—"That, as natural subjects to our Prince and subject to his laws, all matters that concern the peace shall be by those that are officers of the peace transacted; and all actions of the case or department shall be in such courts as by orders are here appointed, and by such Judges as are deputed, heard and legally determined."¹⁰ The members did not set their names to this. It was signed by their Secretary and sent "to the Pocasset brethren." It was a revelation of its authors' deficient knowledge of law and their past disregard for it, and an offer to reform by adopting and thereafter observing legal methods in their proceedings. The Pocasset or Portsmouth people had individually subscribed to the English statute laws. Among other propositions of Coddington's was that he made to his henchmen, stated by him in his letter to Winthrop, as a condition of his return—that Gorton and other leaders of the liberal party should be driven from the island. Considering the eager desire of the Coddington party for office and the wrath which they cherished against those who opposed them, this promise, it will be seen, was calculated to arouse them to great exertion.

Coddington, writing to Governor Winthrop, December 9, 1639, fifteen days after, says: "I am removed twelve miles further up into the island. They gathered a church and intend to choose officers shortly, and desire better helps in that kind when the Lord is pleased to send them, and would gladly see what means doth lie in us to obtain them. Things are in far better pass, divers families being come in, and have given satisfaction. Mr. Gorton and Mrs. Hutchinson oppose it. It was hatched while I was in the Bay, and the Lord, I hope, will shortly put an end to it. Mr. John Coggershall, Mr. William Brenton and Sergeant Balston do desire to have their services presented to your worship."¹¹

This conference of Coddington's committee—what he terms as his removal up the island—was a meeting with not more than one or two of the Portsmouth men, and was not an acceptance of his government or of the people there, of his propositions or his authority. Gorton says: "I knew of none that was present at their meeting but a Clergyman to bless then."¹²

The "helps" who Coddington solicited from Winthrop the church was pleased to supply him. In February, 1639-40, a deputation, Wild says, of "four men of a loving and winning spirit" were sent by the Boston church to visit its members upon the island, to discipline some and to reclaim others. There are but three, William Hibbins, Edward Gibbons and John Oliver, named in the manuscript returns, but Mr. Lenthal, who went to Newport at the same time and remained to teach there, may have been the other member. The deputation lodged the first night of their journey at Mt. Wolliston with Mr. Savage, who had but a few days before (February 6, 1639-40) left Portsmouth. The second night they were met on the way by one who came from Taunton and conducted them to his house. Oliver and Lenthal, after leaving Taunton, for a time lost their way, but on the third day, February 28th, they all came to Portsmouth.¹³ Their return was made in the meeting house at Boston after Cotton had finished his public exposition, March 16, 1639-40. At Portsmouth¹⁴ they met Deacon Aspinwall, the banished one, and brothers Sanford and Balston, the latter now the innkeeper

93. ¹4th Ser. Mass. Hist. Collections, vii, 278, 279.

Tract, Vol. iv, Tr. 7, p. 8. ²Force's

³Lenthal was in August, 1640, within six months from his arrival, made a freeman upon the island, and during the same

of the town, who with others gave them a meeting, listened to the reading of the church's letter, and gave satisfactory answers. The next day they visited Newport and were entertained by Coggershall, the dismissed member, who would not receive the church's letter unless they of the island were acknowledged to be a lawful church, which the deputation had no commission to do.

Mrs. Hutchinson, of Portsmouth, refused to acknowledge the Boston church. Mrs. Dyre, who afterwards became a Friend and lost her life by it, acknowledged the church and desired communion with them; and Deacon Aspinwall, *the only one of the compact of first settlers who had been banished from Massachusetts*, was satisfied with the righteousness of the church's proceedings against him and others.⁵

Among the objections raised by the members who were under discipline were: That the church had first broken the covenant with the exiles; that the covenant binds no longer than a member remains with the church; that parents and wives being cast out of the church, necessity is laid upon others to go with them to supply their wants; that they had been driven out of the country. To which the Deputies made the following: Answer 1st. If the church should break covenant with you, yet that doth not loose the covenant between the church and you. Answer 2d. Though some of the members of the church had a hand in his (Aspinwall's) censure and banishment, yet it follows not that the church should deal with them when he suffered justly for his errors and his misapplying of his doctrine, to raise up much trouble and commotion, to the great detraction both of church and commonwealth; therefore, we cannot see that the church hath violated their covenant with you or dissolved your covenant with us; therefore, brethren, do not walk like lambs in a large place, but return, that we may watch over you, for we seek not yours, but you and your good and peace. Answer 3d. The necessity to go with castout parents and wives to care for them was denied. Answer 4th. Mr. Winthrop affirms that his advice was not as Governor, nor as the mouth of the court, but only in Christian love, to depart for a time till they could give the court satisfaction. He answers he did not advise all to depart, for he persuaded Mr. Coddington earnestly to stay, and did undertake to make his peace with the court. Neither did the court banish or drive any away but two, Mr. Aspinwall and Mrs. Hutchinson. Some were under no offense at all with the court, as our Brother Hazard.

Brother Hibbins promised and Brother Coddington accepted that the church covenant should be sent to them. The junior Hutchinson requested that he be dismissed from the covenant, but it was refused him, and he was advised to agree to the justice of the church's act in casting out his mother, Mrs. Annie Hutchinson, who, with Mr. Gorton, would under no conditions acknowledge the church, and were reported to be holding meetings in their houses.⁶

On the 12th of March, 1640, the day before the deputation's departure, a meeting, presided over by Coddington, was held at Newport, attended by some of the up-island men. With only eighteen out of the seventy-

month of August, 1640, he left the island and departed for England.

⁵The deputation got the names of the towns confused, sometimes calling one town by the name of the other; this, probably, was the result of Coddington having the record books from Pocasset, which town had but eight months before changed the name to Portsmouth.

⁶Aspinwall was later, Mar. 27, 1642, fully restored in the church. "He made," says Winthrop, "a very free and full acknowledgment of his error and seducement, and that with much detestation of his sin." Wheelright, who was banished and went to New Hampshire, also tendered his submission and was restored to the church. Mass. Records, iii, 6.

⁷The Boston Church, not being all agreed, deferred sending the covenant to them.

three Portsmouth freemen, only thirty-five from both towns, out of ninety, only five out of nineteen of the first compact of settlers, but a small minority in every way present, it "agreed, by this body united," and "embraced" the few present who were signers of the old church compact,⁷ and proceeded as a court for both towns, although recognizing no one as a member of that government who became a freeman under the civil compact of government. They received as new members five of the latter who were present at the meeting, and disfranchised the five soon after the five had voted to sustain the union and it had been pronounced perfected.⁸ The large majority of Portsmouth freemen were never allowed to belong to Coddington's body of citizens; yet at one of his later courts, claiming jurisdiction over them, it was facetiously "agreed" that they were "a democracy," "that is to say, it is in the power of the body of freemen, orderly assembled, or the major part of them, to make and constitute just laws."⁹ They adopted this much of the Portsmouth government's methods of proceedings: That they would drop their titles of Judge and Elders; that the officers of the government should be Governor, Deputy Governor and Assistants;¹⁰ and that Portsmouth continue to be the name of the town. They appointed courts, consisting of Magistrates and Jurors, for both towns, to determine all causes of action that should be presented.¹ They also agreed that officers should be chosen by themselves for both towns, and that the Governor and two Assistants should be from one town and the Deputy Governor and two Assistants should be from the other town. They thereupon chose officers for both towns; but instead of following the order they had suggested and adopted, that the towns should share the offices equally, they chose both the Governor, Coddington, and the Deputy Governor, Brenton, from those who belonged in Newport and were of that government. The office of an Assistant was, as a ruse, voted to ex-Governor Hutchinson, of Portsmouth, and then before the end of the term voted to their Elder, Nicholas Easton, of Newport.² On account of the probable insurrection, an alarm was appointed, to which all of the inhabitants of the island were commanded to answer at their peril.³ Sheffield states that the most important person (Governor Hutchinson) in what he styles the Gorton government abandoned it and petitioned to be reunited to the people of Newport. The statement that he so petitioned is an error. Those of Newport were the petitioners. Hutchinson resisted at first, but finally yielded to the petitioner's persuasions and "was embraced" by them.⁴

Winthrop, in referring to the overthrow of the Portsmouth government, calls Hutchinson a weak man. He may not have considered that Hutchinson and his supporters were in an unfairly disadvantageous position, were without any grant for any land. They were possessed or dispossessed, according to the practice, by the vote of those who had gone to Newport and carried the record of their acts with them. Coddington unyieldingly held the Indian grant of the island and sought to obtain a patent for it to himself, to confirm his title.⁵ Hutchinson and his followers were in the position of tenants, who would, in the event of

2d Ed. Winthrop, i, 396. Coddington's letter, 4th Ser. Mass. Collections, vi, 312-320. Robert Keayne's MSS. notes, Archives Mass. Hist. Soc. 2d Ser. Mass. Collection, x, 184. Ellis' Life of Annie Hutchinson, 328-346.

⁷R. I. Rec., i, 119.

⁸"They meant by it an equality of political rights only among the members of the few or ruling classes." Dorr in R. I. Hist. Soc. Proceedings, New Ser., iii, 230.

⁹Records, i, 103.

¹⁰R. I. Rec., i, 100, 102. "The Church hath chosen Theophilus Easton their Magistrate, for so they call him [their Elder, Nicholas Easton]. Coddington's letter to Winthrop, 4th Mass. Col., 278.

¹Records, i, 94, 100.

²Records, i, 103.

³Records, i, 94. He represented to the English

Coddington's further success, likely be evicted; and Hutchinson seems to have placed above every other consideration that of saving to others of Portsmouth, more than to himself, their rights in the land.

Hutchinson was not chosen Assistant at their next election. Had he been willing to accept it, they had no further use for him. Bailey mentions the unfounded rumor referred to by Williams, "that Mrs. Hutchinson opposed magistracy and persuaded her husband to lay down his office of Governor." This false charge of "opposition to magistracy" was made by the church party, not only against her, but against Williams and against Gorton at the very time Gorton was filling the office of magistrate,* and against everyone who opposed the church magistrates. Mrs. Hutchinson opposed only these and gave her support to others, of whom her husband was one. She was opposed to the magistracy of Coddington, assuredly from the time he acknowledged to the Boston congregation that he erred in departing from their church at Boston, and she aided in deposing him from the Pocasset government. She, as Coddington complained, opposed his return as magistrate; and she may have persuaded her husband to lay down the office he had accepted in the sinful alliance as assistant magistrate to the usurping church magistrate Coddington.

In this assumption of Coddington at Newport to extend his government to and over Portsmouth there were present, as we have seen, but five of the original compact of first settlers, and a still smaller minority of the whole people than of those he had made freemen. There were upon mainland and island, prior to the charter, no other freemen than those who were made freemen by a compact of settlers. Those who were made freemen by the Portsmouth government were not present nor admitted to a voice in Coddington's proceedings, and it is clear that he had no rightful jurisdiction over the Portsmouth people.⁷

The return of the deputation to Boston was within four days after the Newport meeting, at which Coddington assumed to be the Governor over the whole island. The Deputies do not, in the account preserved, mention their stopping again on their return at Taunton. Yet, at about this time, a number of officials from Massachusetts and the island met there and arranged for disposing of their troublesome opponents.

Taunton, first settled in 1638 by Captain William Poole and his sister, Lady Elizabeth, was a border town upon the main road between the island and Massachusetts, and was a convenient and popular resort for men of public affairs and for general travellers. At different times and upon various occasions there met here [some of them under Commissions from the Governors and Assistants of Massachusetts] Boston, Roxboro, Salem and other Massachusetts magistrates and ministers, and ex-Governor Prence, Deputy Governor Brenton and other Plymouth and island churchmen and politicians. Captain Poole's son John married the daughter of Deputy Governor Brenton of the island, and later Brenton bought a farm at Taunton and for a time made it his home. Here Coddington took refuge and passed much of his time when he later

government that he owned it. *Seq.*

*Gorton, as Winthrop said, "acknowledged magistracy to be an ordinance of God in the world, as marriage." 2d. Ed. Winthrop, ii, 173.

⁷It is impossible to do full justice to the men who constituted the Model Civil Government, or to the measures they pursued; for Coddington's government, by its connivance, secured the records, and the names and official stations of Hutchinson, Gorton and others, and many things unfavorable to the Coddingtons were eliminated from them. None of the names of those who were signers and members of the Civil Compact, and only the names of the six who were original members of the First Compact of Coddington's, were allowed to remain in his records; leaving us with but the little information of service to us, which escaped the vigilance of Coddington's government, and the little which is obtained from accidental sources. R. I. Rec., i, 71, 75, 81. Ellis'

was compelled to make flight from the island. The town received an unusual degree of attention from Prence, and under him and the laws against foreigners and strangers was the scene of many harrowing acts of persecution.⁸

A snare, instigated by the men at the Taunton gatherings, similar to that which had in the Plymouth proceedings against Gorton's maid served so effectually in disposing of those against whom no charge of crime would be effectual, was laid upon the island for Gorton and like unsubmitive islanders.⁹

Three months now had passed since Coddington's assumption of government over Portsmouth. Gorton had lived there for eighteen months, "disturbing no man, conducting himself civilly to all men and court-cously." Notwithstanding the defection of Hutchinson from the model government at Portsmouth, it was supported by Gorton and nearly all of the Portsmouth people, and they maintained it and its courts for the town, which courts were the only ones recognized as courts there by the people. A quarterly or circuit court of Coddington's, one of those appointed for the town of Portsmouth at the Newport meeting, was to make an attempt in Portsmouth at sitting. A difficulty was to get causes for trial before this court. Its summons would not be heeded by any Portsmouth people. Action was brought into it by the following proceeding: William Brenton, one of its Judges, who was one of the Elders with Coddington that had the year before been put out at Portsmouth, who went with him to Newport and was Elder there with him, and who was at the Newport meeting declared, as a resident of Portsmouth, Deputy Governor over the whole island, himself made a complaint and himself an arrest of a house-maid of Gorton's, and thus for an alleged trespass and assault on a woman. He arraigned the maid before this court, himself and Coddington presiding. As at Plymouth, Samuel Gorton now came to the aid of his servant. The kindness of his heart prompted him to appear in this court in which she was detained, whose jurisdiction he and the people denied, to release or defend her.¹⁰

Here, as at Plymouth, there was no cause against Gorton. Here there was a self-constituted court sitting with the intent of following the Plymouth course and condemn him for contempt when he should appear in it.

We find no letter over Coddington's name describing his hoped for "end to it." But an anonymous informant gave an account, which is the only account ever said to have been given by a witness to it. None of the many witnesses to this—it was no trial—and the scenes following it ever owned this account or gave another of it; and, too, while William Arnold and many others such as he, who were witnesses, were diligently proclaiming everything that could cast discredit on Gorton, and that boldly over their names.

From the anonymous account, in what no doubt is Winthrop's manuscript, and the conditions presented by Coddington sitting with his court of trial at Portsmouth, where more than three-quarters of the inhabitants denied its jurisdiction, it is clear that there occurred there much of what would occur to-day if the magistrates of one town attempted to sit in another. Gorton vehemently protested against the unfairness and illegality of the proceedings. Coddington called upon his followers

Life of Annie Hutchinson, 326.

⁸Ante. Plymouth Rec., i and ii. Plain Dealing, 3d Mass. Collections, iii, 107. R. I. Col., iii, 298.

⁹R. I. Hist. Col., iii, 298. R. I. Hist. Tr., 17, p. 57, etc. Baylie's Hist. Plymouth, i, 285-290. Force's iv, tract 7. Lechford's Plain Dealings, 3d Mass. Collections, iii, 95, 106, 107, 402, 403.

¹⁰Judge Brayton, Rider's Tract, 17. ¹¹The first preserved story of the fracas was given by one of Coddington's henchmen, and

in the room to eject him. Gorton in turn called upon those of the home government, who had subscribed to the King and his well-known laws, to take away Coddington. Coddington's men laid hold upon Gorton to remove him, while Randall Holden, John Wickes and others, the Portsmouth people, stopped the way. The court was, it appears, without a trial broken up into a hand-to-hand conflict, Coddington, in his zeal, personally engaging in it.¹ The Portsmouth people, among them Gorton, with clothes torn, for the time the victors, pursued Coddington in his flight. Coddington, however, had come prepared for war by encamping near by some soldiers, and by calling upon them partly restored his order. John Wickes, Randall Holden and a number of others, most substantial men of Portsmouth, were anathematized by Coddington's court for denying its legality and jurisdiction.

Gorton and others, leaders of his party, some of whom were of the first purchasers of Aquidneck, abandoned the island. The houses and persons of the remaining Coddington opponents were then searched [by those who had complained of the like treatment to themselves when they were in Massachusetts] and a confiscation made of their arms. Gorton and those who left the island with him went to Providence.² Clark, the leader of the movement for settling upon Aquidneck and for whom Williams secured the island of the Sachems, who had up to this time yielded to Coddington and been his pastor, now broke from him, gave up the settled church, joined the Liberal party and never after took part in government under Coddington. Lenthal, who came but about six months before at Coddington's call for helps, as the teacher, had with the others taken part against him, and all within a few weeks had a rupture with the church regarding baptism, had a release from his position, had a free school opened³ and had been compelled to close it, now, with the others who had taken part against Coddington, left the island; and Nicholas Easton was fined for breach of order and left out of office.⁴

The breaking away of Clark and Lenthal, and the establishing by Lenthal of the free school in the summer of 1640, probably was the beginning of the Baptist Church on the island, though we find no full account of its organization until some time after. Although it does not appear that Coddington again attempted to hold a court of trials at Portsmouth, the others who were leaders in the Liberal party, who tried to remain to live there, among them Mrs. Hutchinson and her family of sixteen and her friends, were so continually harrassed and threatened with being taken and sent for discipline to Massachusetts that they became terrorized and left the island. John Wickes, William Aspinwall, Richard Carder, Randall Holden, Edward and William Hutchinson, John Porter, Thomas Savage and Sampson Shotten were, some of them imprisoned, most of them disfranchised, and all of them and their families and friends with other opponents of Coddington, including a large share of the original compact of purchasers, plundered

is the one from which the others are taken. By his story, they, of course, whipped Gorton; but, as the story proceeds, it reveals the certainty that the unpreserved accounts by Gorton's friends told that they whipped Coddington; for it sets forth the fact that, although Coddington did make Gorton run, he didn't let Gorton catch him. N. E. H. and G. Reg.

²These "intoxicated sectaries," Mather wrote, swarmed over into the main, where they also purchased some tracts of land now covered with the towns of Providence and Warwick, for all of which they obtained at last a charter. *Magnalia*, Book vii.

³That is one in which the liberal studies were taught. Aug., 1640. Sheffield's Paper 35. Thomas Litchfield, in his manuscript of "Plain Dealings," wrote "Mr. Lenthal his Controversy" at the head of his article on "The Dissolution of the Church at Newport, the Lack of Employment of Clark and Lenthal, and Gorton's Departure for Providence."

⁴R. I. Collections, vii, 330.

⁵Williams'

some of them imprisoned, most of them disfranchised, and all of them and their families and friends with other opponents of Coddington, including a large share of the original compact of purchasers, plundered of their lands and dwellings and driven from Aquidneck. For the time and number, in proportion to population, no exodus from Massachusetts exceeded the exodus under Coddington from the island.

It was among the terms of Coddington's return that the towns should each choose and have their own magistrates for the affairs of their own towns. Coddington's assumption was that of a general court, the law-maker and superior judiciary for the island. There was no prospect that the large majority of Portsmouth people all opposed to him would ever submit to his government for the further reason that he disfranchised or debarred them from voting for or against him, he accepting as his electors only his pledged friends.

Williams, in a letter written some years after, thus refers to it: "At Rhode Island, how many instances come therein which I have ready by me of Coddington: a worldly man, a selfish man, nothing for public, but all for himself and private. I will not mention particulars at Portsmouth and Newport, of which I have told him as I had opportunity."⁵

Gorton, in a letter to Nathaniel Morton, written some years after, makes these references to the Plymouth and Portsmouth troubles: "I say no more of this now, though I can say much more, with the testimony of men's consciences; but I have been silent to cover other men's shame and not my own; for I could wish to be a bondsman so long as I live upon the face of the earth, in human respects, that all the agitations and transactions between the men of New England and myself were in print without diminution or extenuation. It should be a crown, yea, a diadem, upon my grave if the truth, in more public or more private agitation, were but in prose, though not in poetry, as it was acted in all the places wherein you seek to blemish me. I perceive what manner of honor you put upon me in [Aquidneck Island] Rhode Island, which the actors may be ashamed of, and you to be the herald. I have been silent of these things done at Plymouth and Rhode Island and elsewhere, and am still in many respects, but have not forgotten them.

"And I have heard that some of Plymouth, then in place, were instigators of the island. I could name the parties of both places, being met together at Cohannet (Taunton). I carried myself obedient to the government at Plymouth, so far as became me at the least, to the great wrong of my family, more than is above said, as can be made to appear if required; for I understood they had commission wherein authority was derived, which authority I revered; but Rhode Island *at that time* had none; therefore, *no authority legally derived* to deal with me; *neither had they the choice of the people, but set up themselves.*"⁶

The aversion Gorton expressed to the government of Coddington on the island, we see, was not alone that it had no charter. He asserted what was true, that there was no kind of right in Coddington's claim to sovereignty; that absolute sovereignty could be obtained only by individual commission from the English government; and without this, with or without a charter, legal sovereignty was bestowed only by a majority of all such inhabitants as were by the laws of England freemen. Coddington had no commission from either the Crown or [except for the first few weeks of his residence on the island] from the majority of English freemen.

letter, Proc. R. I. H. Soc., 1875-6.

⁵Force's Tract No. 7, Vol. iv. This has been artfully so quoted of Gorton as to make him appear to ordinary readers as of the time and an opponent of the government of the State. The reference is to the island of Aquidneck long before it was named Rhode Island. It is to be regretted that when the State arose it was not named Narragansett.

Gorton was none less practical than other men in accepting the fair necessities of the situation, and in paying reverence to any government that had the choice of the people, for the time, until firmly planted by a charter from England. The proof of this is absolute, he having been the leader in organizing the non-chartered model civil government on the island, which was established by the voice of the whole people.⁷

CHAPTER III.

Coddington's and Benton's coquetry with the Massachusetts government—Mooshasuck, or Providence, settled by Roger Williams—He obtains written grants for it and for Aquidneck Island—He divides the land to please the objectors to his liberal policy—William Arnold lays large claims to lands—Inception of the fraudulent land claims, difficulties resulting from them and the inability to settle the disputes regarding the claims.

It was the naturally indulged hope of the Massachusetts magistrates and of the visiting elders that Coddington would at a convenient time submit himself and the island to their government; but on September 13, 1640, within about six months after the return of the Massachusetts "helps," who were sent to Coddington, from their visit to the island, Coddington and Brenton, as Governor and Deputy Governor of the island, the new titles they had appropriated from the Hutchinson and Gorton government, elevated with their success and unmindful of their obligations to their colleagues, Governor Winthrop of Massachusetts and his Magistrates and Elders, joined with the Governors of Hartford and New Haven in a letter to Winthrop concerning the latter's policy toward the Indians, and advising him to join with them in a course of proceedings. This was rightly considered by Winthrop and the Massachusetts court a freak of obstreperousness on the part of the newly fledged leaders, and the Massachusetts court accordingly resolved that, while they agreed with them in regard to the suggested course of proceedings, they refused to have any correspondence with them as men not to be capitulated with by us for themselves or for the people of the island. The Massachusetts court also assented to all the propositions laid down in the aforesaid letter, "but delivered their answer to New Haven and Connecticut men only, excluding Mr. Coddington and Mr. Brenton."⁸

As before mentioned, Roger Williams, on account of the opposition against him by the Massachusetts people, had been obliged to leave there and settle in Plymouth. Differences also arising between him and the Plymouth people, he left there [Dr. Bentley, 1st Mass. H. S. Col., vi, 246; R. I. H. S. Col., vii, 72], returning to Massachusetts, from whence he was banished. In anticipation of his expulsion from Massachusetts he, in the years 1634 and 1635, had several treaties with Canonibus and Miantinomi, the two Chief Sachems of the Narragansetts, regarding lands for a settlement in Narragansett Bay,⁹ and they granted him the lands of Mooshasuck; it was a verbal grant. Early in 1635-6 he with only a young lad, Thomas Angell, then in his employ, sailed down the river toward the home of the Sachems, whom he had accompanied there in the preceding year.¹⁰ When reaching a cove, he describes, the Sachems, in expectation of his coming, having gone out to him, met him with loud demonstrations of joy. Others, in other boats, followed along out of curiosity and the hope of gain. Of these who followed, he says,

⁷Samuel Gorton by Judge Brayton.
statement, R. I. H. S. Col., vii, 85.
note.

⁸Mass. Rec., i, 305.

Hinton, Knapp & Choules Hist. U. S., i, 107

⁹Foster Papers, R. I. H. S. Col., vii, 80.

¹⁰Williams, R. I.

he gave leave to Harris, destitute; Smith, banished; Wickes, poor; and a lad Verin, to join him. And a settlement was in May or June, 1636, made by this company, Williams, Angell, Harris, Smith, Wickes, Verin, numbering six. Williams says: "I, in a sense of God's merciful providence to me in my distress, called the place Providence." He had no partners. It was, he says, granted him in exchange principally for friendly service to the Indian Sachems Cannonicus and Miantinomi, and what cost there was attending it was borne by him alone.¹ His object was to parcel it among such as were on account of religious differences denied land in Massachusetts. A "compact in a civil way"² for government, by consent and arbitration, was formed; and members admitted by Williams into a fellowship with him in the land, to be by them parcelled out at a small cost paid into the town fund, to all men of moral lives and refugees from religious persecution.

Among others who followed were two men William Arnold and Benedict Arnold. They were Massachusetts' agents: Benedict also merchants' agent for arms, ammunition and liquors. During May 1637 a trouble arose; regarding which as Roger Williams writes, a boisterous and desperate man, the young Verin, having assaulted his wife so furiously with blows as to endanger her life, because of her attending religious meetings, the town council disfranchised him until he should amend his conduct. Benedict Arnold supported Verin and with poor wit derided the Williams or town covenant, asserting that as Verin dealt with his wife according to his conscience it would be a violation of the covenant to punish or restrain him, (Book Notes Vol. 24, Nos. 1, 2, 3, 4, and following.)

Other men were, as they came, admitted into the association. Not all joined, and some who did join parted from it, some returned to Massachusetts; so but two of those who came with Williams are among the "we six which came first" to whom "the first portions of grass and meadows were appropriated;" and but one of those, Harris, among the first twelve, viz., William Harris, John Throckmorton, William Arnold, Stuckley Westcott, John Greene, Thomas Olney, Richard Waterman, Ezekiel Holliman, Francis Weston, Robert Cole, William Carpenter, Thomas James, whom, Williams states, were the first twelve admitted into fellowship with him in the land. These men did not pay anything to Williams, but those afterwards admitted, and the membership soon increased to over a hundred, paid thirty dollars each into the town fund, and from this fund thirty pounds were given him on account of his time and expenses.³

On August 1, 1637, John Greene, one of the twelve above named, a surgeon by profession, was taken into custody by Massachusetts officers and bound by their court in one hundred marks for speaking contemptuously of their Magistrates. Although Williams sent a letter to Winthrop interceding for him, he was on September 19th fined twenty pounds. Following this, letters were sent by Greene and others to the Massachusetts court, which incurred their further displeasure, and, it appearing to the court that others of Providence were in the same corrupt judgment and practice, it was ordered that they should keep from their jurisdiction under penalties as the court should see fit.⁴ A number of landless or new men subscribed probably during this August⁵ to the government in the town book, among them Benedict Arnold. William Arnold earlier had been admitted to the association of government and

Rec., i, 22, 25. Nar. Club, vi, 305, 306. R. I. H. Tr., 14.

²Williams,

May 17, 1637. Nar. Club, v, 4-6, Book notes, xxii, 111.

³"Soul Liberty,"

by Sidney S. Rider, Prov. 72.

⁴Williams, in Deed of Dec. 20, 1661.

⁵Mass. Rec., i, 224. Turner's *Greenes* in Col. Hist. Greene Family.

⁶The subscription Williams wrote for the men without families. Judge Brayton, Tr.

a fellowship in the land. To this association he ever adhered in name, but was disloyal to it from the beginning, and ever both secretly and openly in hand with Benedict in envious clamors and efforts to hamper and destroy it and turn over to Massachusetts the government and the land.

The grant as first made to Williams was a verbal one, but on "the 24th of the first month, commonly called March, in the second year of our planting," in 1637-8, Williams wrote and these Sachems executed an evidence of the grant "to Roger Williams;" and Miantinomi went, Williams says, "on account of the envious clamor of some against himself, with him and other white men around the granted tract and sat its bounds."¹

At the time of the settlement of New England, and prior to the death of Charles the First, the King was the only landholder in absolute fee in England. All lands were vested in the Sovereign and were parcelled out to his military and political supporters. These feudal lords held them, though subject to escheat, in perpetuity from father to son. These lords, who were also legislators, judges and executioners, in turn parcelled the lands among their supporters the occupants or vassals, who could not transmit it to their posterity. With the Cromwellian revolution began the annihilation of vassalage and the ownership of land by the individual, a title in fee simple. With this change a few certain men of Providence, who had shown a desire to become feudal lords and who were quick to see the value which individual possession of the land would be to them, objected to Williams' liberal policy in admitting so many to share in its distribution; and "as a peace offering," Williams says, "and that he might be free" to pursue his intended policy at Providence he, on October 8th, 1638, made to the first thirteen, that is, himself and the twelve whom he had admitted to fellowship with him as town trustees, a written conveyance of the land in the original grant; and then he with them made a written conveyance to themselves, as trustees for a new town in which they might be more guarded in their allotments, of all that part of the land west of a line afterwards to be established. The Williams grant was, after this, given two names: The whole of it, the "Grand Purchase of Providence," and the western part of it, the "Pawtuxet Purchase." Williams showed his disrelish of this in designating these twelve associates as "the first monopolizing twelve," though eight of them did not follow the leaders in the monopoly. But four only of them made claim of individual ownership in the newly set-off lands.²

William Arnold and his son Benedict Arnold and son-in-law William Carpenter and one Robert Cole immediately settled upon a part of what they called the Pawtuxet purchase, and newcomers were not admitted as landholders. Benedict Arnold associated with himself twelve men in rivalry with Williams, and claimed to be the government of the people of Providence. Theirs were compulsory methods. Complaints were made by these men that the Providence people were trespassing on their purchase. Williams denying their pretensions, the cry arose, "What is Roger Williams; we will have present bounds set," and the matter of setting a line between Providence and Pawtuxet was referred to four men, one of whom was William Harris, who became leader for the Pawtuxet claimants.

In July, 1640, a report of failure to settle the difficulty was made by

17. ¹Nar. Club, vi, 390. R. I. H. Tr., 2d Ser., 4, pp. 23, 51. Lands of R. I., Sidney S. Rider. ²2d. Ser. R. I. H. Tr., 4, pp. 1-12, 46, 65. "Brought the murmuring aftercomers and monopolizing twelve to a oneness by arbitration." Williams' Book Notes, xix, p. 1. 1st Ser. R. I. H. Tr. 14, p. 58. ³"The

them with propositions for the location of the line of separation, for a system of government in which five town managers should dispose of affairs by compulsory arbitration, and that "the town by five men shall give every man a deed of all his lands lying within the bounds of the plantation, to hold it for after ages." These propositions, in a paper dated July 27th, purporting to be a combination agreement, printed among the Early Records, was never acted upon by the inhabitants or landholders of Providence, or agreed to, or so signed, or ever recorded in Providence. We will lay it open when it was recorded ten years later in Massachusetts. The earliest deed now known is one from William Harris to William Arnold, dated August 29, 1640, and, although we find no record of the deed from the town to Harris, it is probable that he received one, the first their town committee granted under the proposed order. The second deed known is from the town of Providence to William Arnold, under date of April 14th, 1641. The recording of other deeds followed.⁹

The scheme of the Pawtuxet claimants to acquire the lands developed the remarkable adroitness of William Harris, who, as their leader with claims and processes, "robbed us," Roger Williams says, "even by a kind of force ever since the birth of the town," and so kept the honest landholders unsettled and alarmed that they, Williams said, "lived in no order but rout, as Harris beasts, as he calls all who cross him."¹⁰

CHAPTER IV.

Gorton's arrival in Providence—Arnold's complaint—Gorton retires from Providence to land in Papaquinapaug—The Arnold Pawtuxet claimants forge papers to further extend their land claims—They become subjects of Massachusetts to obtain for the enforcement of their claims that government's assistance—The Massachusetts government commissions Benedict Arnold to obtain from Miantinomi his submission and cession of the Narragansett lands to them—Miantinomi sells Occupesuatuxet to Greene—Providence notified by the Massachusetts government of their jurisdiction over them and cited to trial at Boston—Gorton replies to Massachusetts' notice to Providence—Gorton buys Shawomet, or Warwick—Its settlement, government and town orders.

The people of Providence had for about three years been engaged in their land disturbances when Gorton arrived there. He, after settling there, did not have any personal difficulties with anyone. One of the men who gladly hailed his arrival there was John Greene, surgeon, whose experience with the Massachusetts magistrates we have related. The settling down of Gorton and his island friends, Holden, Shotten, Potter and Wickes, at Providence would be an ally to Williams' party there, whom, Arnold said, were already "so many;" and would strengthen the resistance to the pretensions of the Pawtuxet claimants; and Arnold, who with his friends had secured the positions of town managers, opposed their reception to the town privileges, to either hold land or vote. A meeting of the five town managers was held on May 25, 1641, in which the subject of admitting Gorton and his friends to the town was considered, some of the managers addressing the meeting in Gorton's favor. These addresses were not preserved, and we are again compelled to gather from his enemies' accounts. Arnold addressed the meeting, expressing his dissent from what those favorable to

Forgeries," Williams' Deed and "The Lands of R. Island," by Sidney S. Rider.

¹⁰Nar. Club and R. I. H. Tr. 14. Williams said Harris' boundless bounds were impossible to fix, hence we lived in rout until 1643, when he procured the charter,

Gorton had said, and asked: "What may we expect if he could get himself in with and amongst us, where are so many, as we see, ready to tread us under their feet, whom he calls his friends?"

To be freed from these embarrassments and to avoid the contentions the people of Providence were engaged in, Gorton and a number of those who were attached to him, Holden, Carder, Shotten, Potter and Wickes from Portsmouth, and Warner and Power of Providence, quietly retired from the early settled portion of Providence and purchased a claim of Robert Cole, one of the Pawtuxans, to a parcel of land upon Papaquinapaug river, a small stream issuing from Masha-paug pond, flowing through what is now Roger Williams Park into Pawtuxet river. Here at Papaquinapaug, outside of but adjoining the early settlement, they resided during the fall and winter of 1641 and summer of 1642, built houses and bestowed their labors to raise up means to maintain their wives and little ones.¹

A few months after this the town managers appointed arbitrators for Francis Weston of Providence, one of Williams' twelve, who, with John Greene and others of Williams' twelve, did not agree to the Pawtuxans' methods in an action by the Pawtuxan settlers for trespass upon their claimed land, who rendered a judgment against him for fifteen pounds and proceeded to levy by execution upon his cattle. Greene questioned the fairness of the proceedings, and joined with Weston, who, with perhaps six or seven others of Williams' company, aided to resist; whereupon a complaint was, on November 17th, 1641, drawn up by Benedict Arnold to the Massachusetts court against John Greene and others, including Samuel Gorton, who had championed their cause and was the most able advocate of their rights among them. Arnold's complaint stated that it was sought by Pawtuxet men to attach on Francis Weston's cattle and impound them, when the cry was raised, "Help, sir, help," and "they hurried away the cattle," and "so they do at any time if any of theirs is attached." It closed by asking aid "to bring wrongdoers to satisfaction." This complaint and petition was written by Benedict Arnold and signed by himself and but the Pawtuxan claimants William Harris, William Arnold and son-in-law William Carpenter, of those who had been of Williams' company, in all by twelve men, Arnold's company. It was not "a petition of the people of Providence," as it was falsely headed. It was unofficial and unknown at the time to the people of Providence, and it represented nobody but the petitioners.² The Massachusetts magistrates, however, in reply advised them to "submit themselves to some jurisdiction," "then we had a calling to protect them."³

In the August 1642 sessions of the Massachusetts Court, Benedict Arnold was engaged with their other officers to visit Miantinomi, the Chief Sachem of the Narragansetts, to compel his attendance at Boston to induce him to deny the sale he had made of the land to Williams, to submit himself and tribe with their lands to Massachusetts or to show what right he had to his lands and dominion.⁴ He appeared at their

¹On April 9, 1662, Samuel Gorton deeded, his wife Mary joining, Papaquinapaug land, which was passed from Robert Cole unto himself by a deed bearing date the 10th of Jan., 1641. Early Record Book, iii, p. 013. Williams said: "We lived in no order but rout" from the annoyance of the Pawtuxans, but the purchase by Gorton of one of their claims should have secured relief from them.

²R. I. H. S. Col., ii, 191-193. A fraudulent copy of the petition with Williams' name attached; a fraudulent Williams letter; and a fraudulent Presentment of the Grand Jury were all in 1646 sent by Coddington to Winslow in Mass. for his use in England, which he took there and published in his charges against the people and charter of the Providence Plantations.

³Mass. Rec., ii, 24. Palfrey, i, 121.

⁴Simp. Def., 1646, p. 14. R. I. H.

court, but, true to his friends of the Providence Plantations, he would not deny his sales, defended his rights and refused to submit anything to Massachusetts; whereupon the court forbade him to sell land without its permission and ordered the disarmament of his people.

The Pawtuxans extended their claims; the Sachems now complained; they had occupied and built upon land for which no right had been purchased.⁵ The new town grant, it will be remembered, was all the land in the original Indian grant to Williams which lay west of the Providence settlement. That is all the land west of a line running north and south which the claimants desired to establish, which could appear to have been in the original. With this in view the claimants had obtained the original deed of Williams and added to it a memorandum which, pretending it was done from Williams request by the Sachems, interpreted the stated bounds upon the streams to mean all the land bounding upon the stream in its whole length and upon all its branches. The signatures of Miantinomi and Williams which were appended to this memorandum were forgeries. Williams says regarding it: "After Miantinomi had sat our bounds in his own person, because of the envious clamor of some against myself, one amongst us, not I, recorded a testimony or memorandum of a courtesy, added, upon request, by the Sachems, in these words, 'up streams without limits;' so far all the meadows and at last all the uplands must be drawn into this accidental courtesy, and yet upon no consideration given, nor the Sachems knowledge, or hand or witness; nor date." The date of 1639 was after this forged to it.⁶

On September 8th following, the Pawtuxet claimants, William Arnold, Benedict Arnold, Robert Cole and William Carpenter, but, excepting in this instance William Harris, four in number, undeterred by the greatest indignation expressed and the strongest opposing efforts made by Williams, Throckmorton, Greene, Wickes, Waterman, Holliman, Gorton, Holden, Brown, and nearly all the other land holding, reliable people in Providence or Williams government, and regardless of the great wrong they were inflicting on the whole people, treasonably violated their pledge to the compact of government they had subscribed to with Williams, and submitted their person and lands to the jurisdiction of the Massachusetts colony. They were accepted by Massachusetts "as the place," Providence, over which Massachusetts now, by virtue of the submission of these four men, assumed jurisdiction or government, "was like to be of use to them if they had occasion to go out against the natives. It gave an opening into Narragansett Bay." And the new subjects were at once commissioned as officers to preserve order and execute the warrants of the Massachusetts courts in their newly claimed dominion Providence.⁷

The claim of Massachusetts to jurisdiction over Providence, based on the submission of William and Benedict Arnold and Cole and Carpenter, these four people, is surprising. "What would Massachusetts have said if the English government had treated Morton and Radcliff as competent to surrender the political rights of the Massachusetts colony?"⁸ The manifest injustice of the means resorted to by the enemies of Williams and Gorton confirm the suspicion that in their professed desire to establish an orderly government they were not honest nor the claims they set up just. Robert Cole, now by this, one of the Massachusetts peace officers in Providence, had shortly before, when at Roxbury

Tr., 2d. Ser., 4, p. 69.

⁵The memorandum, Judge Staples says, was written by Thomas James, *Annals of Providence*. "The Forgeries" with "Deed Given to Roger Williams," and "The Lands of R. Island," by Sidney S. Rider, *Prov. R. I. H. S. Col.*, v. 27. *Nar. Club*, vi, 387-394.

⁶*Mass. Rec.*, ii, 26, 27. 1st Winthrop, ii, 35.

⁷Doyle's *Puritan Colonies*, i, 328.

in their colony, been disfranchised by them for drunkenness and sentenced to wear a D of red cloth, continuously displayed for a year, upon his outward garment. "Even the astute magistrates in Boston must have smiled to see Robert Cole in the attitude of plaintiff and asking their intercession for the establishment of an orderly and quiet government."

"The people of Providence had made great sacrifices in providing a refuge for soul liberty and were strongly opposed to this proceeding of a small minority of their number, yet the Bay colony did not regard the wrongfulness of the request proferred to it. It was desirous of breaking up the refuge of heresy by the "fresh river of Mooshasuck and Wanasquatucket, and also an opening to its own citizens a passage to the Narragansett Bay." The conduct of the Massachusetts colony in extending its laws beyond its chartered limits and into the midst of an independent colony was rightly regarded by Gorton and his friends as a flagrant act of usurpation."⁹ The operations under the acts of the Arnolds and their partners and Massachusetts, so dangerous and damaging to the peace and prosperity of the Narragansett Bay inhabitants, lasted sixteen years.¹ Harris did not attach himself with the others of the party to Massachusetts, yet he more than the others appears the genius of the claims and of the methods of "rout" which were pursued so fiercely.

When the settlers at Papaquinapaug began to make improvements upon their purchase and on the outlying wild land there, Arnold and his Pawtuxet partners appeared with claims for trespass against them. Gorton said: "These pretended subjects of Massachusetts thus far fetched, had learned this device, that whereas some of us had small parcels of land laid out to build houses upon and plant corn, and all the rest lay commons and undivided, as the custom of the country for most part is, they would permit us no more land to build upon or to feed our cattle, unless we would keep upon that which they confess to be our proper right; and they would of no division but by foot or by the inch, and that we could neither have room to set a house but part of it would stand on their land,² nor put a cow to grass but immediately her bounds were broken; and then presently must the one be pulled down and the other put in pound to make satisfaction, or until satisfaction be made for both. So by this unreasonable and palpable slight of their pretended subjects, together with the power of their so irregular a government, we plainly perceived a snare was laid to entrap us again; not only to hinder to provide for our families, but to bereave us again of what God through our labors and industries had raised up unto us as means to maintain our families."³

The hostility of the Pautuxet partners in not less degree was displayed toward Greene and others at Providence, who yet remained there and contended for their rights there. Unable longer to endure the annoyance of the Pawtuxet partners and to avoid further contentions at Providence, Greene and a number of those who were attached to him concluded upon a removal. On October 1st, 1642, Miantinomi sold to John Greene the lands south of the Providence and Pawtuxet grant of Williams; separated from it by the Pawtuxet river, known as Occupesuatuxet, with adjoining meadows and a small island; the deed being signed also by Socononico, the local Sachem.⁴

⁹Bryant's Hist. U. S. Mass. Rec., i, 107-112. R. I. Collections, ii, 50.

¹Mackey's Life of Samuel Gorton, 2d Ser. Spark's Am. Biographies, v, 342, 343, etc.

²Arnold's Hist. R. I., i, 111.

³Winthrop's Book of News

said that Gorton, perceiving the Pawtuxet men's titles to be weak, went and built houses upon their possessions.

⁴R. I. Collection, ii, 47, 52.

⁵Proc. R. I. H. Soc., 1887-8, p. 49. Williams said: "We lived in no order but

The Massachusetts Court, on October 28th following, agitated by the Narragansett chiefs' disregard of their orders by the recent further sale of land to the heretics, and acting by virtue of the claim of jurisdiction acquired through the submission of the Arnolds, sent by the hand of one of them, their newly made officers, a notice directed to "Our Neighbors of Providence," asserting their sovereignty over them and citing them to trial for complaints to the court at Boston; with the warning if you shall proceed to any violence you must not blame us if we shall take like course to right them."

The reply to this notice, although the notice was directed particularly to Providence, but to Greene and all the land-holding settlers who resisted the Pawtuxans and Massachusetts pretensions, was believed to have been written by Gorton, although signed also by Greene, and in all by twelve men, the backbone of Williams' government, living in Providence and its outlying places."

"Now brought face to face, as it were, with the arbitrary power in the Bay, these loyal men, true to their allegiance to the crown of England, desiring above all things that which the Massachusetts objected that they had not, authority from the crown as Massachusetts had to set up a government and thereby to enjoy the liberties and the laws of England, were brought face to face with a power in the Bay which had repudiated all the laws of England, all the constitutional safeguards of civil liberty, which had denied their allegiance to the King, by virtue of whose charter they were enabled to rule within the limits defined therein, and were governed by no laws for many years save what existed in the heart of the magistrate.

These earnest loyal men now had simply to choose between civil liberty and bowing down to this arbitrary power and going into their courts to be tried and judged and it might be punished. With true English hearts they chose the first at once. They claimed that the laws of England were theirs and that English liberty was theirs; that they came from the mother country to these shores clothed with them; that it was their birthright; and they had an abiding confidence that the government at home would in the end vindicate those rights and liberties of theirs, they trusted in God and their allegiance and answered." [Given with Judge Brayton's remarks.]

"We lately received an irregular note subscribed to by four men of the chief among you. We could not give credit to the truth thereof, because we thought that men of your parts and professions would never have prostituted their wisdom to such an act, that is, to assume a jurisdiction beyond their charter limits.

"Whereas you say Robert Cole and William Arnold and others have put themselves under the government and protection of your jurisdiction, which is the occasion you have now got to contend with us; we wish your words were verified, and that they were not elsewhere to be found, that is, out of your jurisdiction.

"We know neither the one nor the other have power to enlarge the bounds by King Charles limited unto you.

"In that you invite us into your courts to fetch you equal balanced justice, upon this ground that you are become one with our adversaries, and that both 'in what they have and what they are.' Now if we have our opponents to prefer his action against us, and not so only, but to be our council, our jury, and our judge, [for so it must be, if you are one with them as you affirm], we know beforehand how our cause will be

roul" from the annoyances of the Pawtuxet claimants.
tions, ii.

Judge Brayton, R. I. H. Tract 17, p. 81.

"R. I. Collec-
'Force's

ended, and see the scale of your equal justice turned already, before we have laid our cause therein; and can but admire to see you carried so contrary to your received principles.

"Further we know that the chief among you have professed that we are not worthy to live and, if some of us were amongst you we should hardly see the place of our abode any more.

"When we have to do in your jurisdiction, we know what it is to submit to the wise disposition of our God. When you have to do amongst us in the liberties he hath given us, we doubt not but you shall find Him judge amongst us, beyond any cause or thing you can propose unto us; and let that suffice you, and know that you cannot maintain a jurisdiction, but you must reject all inroads into other men's privileges, and so do we.

"We profess right unto all men, and do no violence at all, as your rescripts threaten to do us; for we have learned how to discipline our children or servants without offering violence unto them; even do we know how to deal with our deoboist, and, yea, inhuman neighbor, or [if you will] nabals, without doing any violence, but rather rendering unto them that which is their due.

"Nor shall we be forward to come so far to find you work upon your request, till we know that you bear another mind than others of your neighbors do with whom we have had to do in this country, whose pretended laws we have stooped under to the robbing and spoiling of our goods, the livelihood of our wives and children, thinking they had labored, though groping in gross darkness, to bring forth the truth in the right and equity of things, or being such as have denied in the public courts that the laws of our native country should be named amongst them; yea, nasty and insufferable places of imprisonment for speaking in the language of them.

"Yea, they have endeavored, and that in public expressions, that a man accused by them should not have liberty to answer for himself in open court, as in Plymouth.

"But the God of vengeance unto whom our cause is referred, never having our protector and judge to seek, will show himself in our deliverance out of the hands of you all."

[They might be excused for being a little prophetic.]

"We resolve, therefore, to follow our employment and to carry and behave ourselves, as formerly we have done, and not otherwise, for we have wronged no man, unless with hard labor, to provide for our families and suffering idle and idle drones to take our labors out of the mouth and from the backs of our little ones, to lordane it over us."

[And a little more prophecy. They may be excused for a little more prophecy.]

"We will not be dealt with as before we speak; in the name of our God we will not; for if any shall disturb as above, secret hypocrites shall become open tyrants and their laws appear to be nothing else but mere lusts in the eyes of all the world."

And they conclude:

"Countrymen, [we can but call you so,] though we find your carriage to be far worse than these Indians."

They seem to have understood the character of their adversaries better than their enemies themselves seemed to. We shall afterwards find that the civil injuries, and only such which they then desired to redress, were not inquired about, nor redress attempted.

Having sent this letter to the General Court, then in session, with in-

tent that the country might be informed of what the court and magistrates were doing, Gorton says: "Wethought it meet for the possession of our peace, together with the compassion we had for our wives and little ones, to leave the houses and the rest of our labors lying near unto these [Arnolds, Cole and Carpenter] their pretended subjects and remove to territory where there could be no claim thereto or pretense to any."

Gorton had been advised to go far from Providence by John Warner, who had returned from Boston and reported the threatenings he heard there against him. And by William Collins, a scholarly young minister, formerly of Gloucester, England, recently from Hartford, Ct., now of Portsmouth Aquidneck,—son-in-law of Mrs. Hutchinson, who with Francis Hutchinson had been cast into prison at Boston and kept many months in durance. He upon his release and on his return to Portsmouth stopped to visit Gorton and urged him to go with him and the party of Mrs. Hutchinson to the Swedes or Dutch settlement, for, he said, "upon his knowledge the Mass. intended in a short time to take his life if he abode in any of the English plantations." But Gorton refused to go under the government of any foreign Prince, "as he had neither been false to his King nor country nor to his conscience."⁹ He, with a few of his friends, took up their abode at Shawomet, within the Narragansett territory, but beyond the Pawtuxet river and beyond where any English settlement had been made.

SHAWOMET, OR WARWICK.

The original settlement of Shawomet was made in December, 1642, by Gorton and five or six others of his partners in its purchase.⁹ The whole number of purchasers were Samuel Gorton, Randall Holden, John Wickes, Richard Carder, Sampson Shotten, Robert Potter, John Warner, John Greene, Francis Weston, Richard Waterman, William Woodale, whose names are inserted in the conveyance, and Nicholas Powers, understood to have been and who shared as a purchaser with them—twelve in all; but some of them never resided there. Within two months after the settlement, on January 12th, they received from Canonnicus and Miantinomi and the subordinate Sachems a proper deed for the land.¹⁰ They formed themselves into an association for civil government by arbitration, like that at Providence, and made rules which they agreed to observe and by which their proceedings were to be governed. They chose from among themselves for such government the regular or accustomed officers. The receipts from the sale of lots were to be paid to the Treasurer; and by John Warner, whom they made Secretary, their records were to be kept.

The following early items were recorded by Warner, the handwriting corresponding with his later signature and writings:

TOWN ORDERS.

The purchasers of the plantation do order and conclude first:

That none shall enjoy any land in the neck called Mishaomet but by grant of ye owners and purchasers.

but rout" from the annoyance of the Pawtuxet claimants.

⁹"Settlement of Warwick 1642," by Wm. D. Ely, Proc. R. I. H. S., 1887-88, pp. 40-46, and 1890-91, pp. 41-43.

¹⁰Canonnicus and Miantinomi were the Chief Sachems of the Narragansetts. See Coddington's deposition, 2d Mass. Col., vii, 76, 77. Williams' letter in Hazard's Col., i, 613. Gorton did not buy this land in violation of any law over it, as Holland states

That every acre of meadow shall have its proportion of upland, as the neck may afford.

That we lay our highways into the neck in the most convenient places as we think fitting.

That no man shall directly or indirectly take in any cattle to common but only milk cattle and laboring cattle.

That whomsoever is granted a lot, if he does not fence it and build a dwelling house upon it in six months, or in forwardness thereto, for ye neglect his lot is to return to ye town to dispose of.

That for the town proper to all the inhabitants is to be from ye front fence to the neck into the country four miles; and that no part of the common shall be appropriated to any but by the major part of all ye inhabitants; and that every inhabitant is to have six acres to his house lot, for which he is to pay ye Treasurer 12s., and this four mile common is annexed to every man's lot.

Several other "orders" follow; one specifying the manner in which a person could be received into the company; he was to be "propounded" and afterwards balloted for, and if accepted pay the sum of ten pounds sterling. The fourteenth order provided that "no man in the town is to sell strong liquor or rock to the Indians for to drink in their houses, and if it be proved he that so breaks this order shall pay to the Treasurer five shillings for each offense." Subsequently, after the organization of the government under the charter, this last order was strengthened by the addition of wine to the prohibited liquors.¹

Their town records were more than ordinarily neatly kept; much of them written in good stenography.

Writers have idly commented on the absence at Providence and Shawomet of a judiciary and wondered how at the latter place they would have determined cases of resistance to their rule. The six men first above named as of the purchasers of Shawomet were all who first settled there.² The others of the purchasers, who were most of them early Providence men, remained at Providence and Occupasnetuxet intent if they had to leave upon harvesting their fields before leaving. John Warner did not move his family to Shawomet until when six months after the first settlement Massachusetts commissioners and soldiers were ordered to Providence to treat with him. Some of the purchasers of Shawomet never became residents there. There was no selfish strife among the scarcely more than half dozen men there,³ and what need had a few for a "judiciary" during the few months, less than a year, there, in which short time they had by daily hard labor cleared some forest and hardly finished erecting but four little dwellings, when they were carried off to Boston; none of them permitted to live there again until long after a government awaited them under a charter. A true and complimentary description of the Shawomet settlers was given by William Harris, whom Williams quotes in denouncing "his monstrous Diana up streams without limit, so that he might antedate and prevent *as he speaks*, the *blades*, brisk, mettlesome, sharp, keen, active young men of Warwick."⁴

in Proc. of Mass. Hist. Soc.

¹Town Recds. Fuller's Hist. Warwick, 13, 14. ²Johnson, the author of "The Wonder-working Providence of Zion's Saviour in New England," gives the number as five or six who encroached and began to build.

³R. I. Col., ii, 96.

⁴Nar. Club 6, p. 392.

"Lands of Rhode Island," 98, 99.

⁵The later "Petition of John Clark

CHAPTER V.

Williams departs from Providence for England to secure a charter—The Colonies' League—Massachusetts government orders their Captain-General to put the colony on a war basis—Their troops to move under the leadership of William Arnold against Greene and others at Providence, Pawtuxet and Occupesuatuxet to capture and bring them to Boston for trial—Miantinomi again brought by Arnold to the court at Boston, and again refuses them submission or cession of his lands; refuses to deny the sale of his lands to his friends—Two of Miantinomi's subjects seduced to submission to Massachusetts—Shawomet settlers notified by the Massachusetts government of their jurisdiction over them and summoned to Boston for trial—Gorton's reply to the Massachusetts notice to Shawomet—Occupesuatuxet and Shawomet settlers notified by Massachusetts of their intended military advance upon them—Providence invaded by the Massachusetts troops—The settlers of Occupesuatuxet flee to Shawomet—Shawomet besieged by Massachusetts soldiers—Massachusetts troops send to Boston for reinforcements—Captives sent to Boston—Benedict and William Arnold commissioned by Massachusetts to seize those who escaped—The captives', Gorton and others, imprisonment in Massachusetts—Their release and banishment by the Massachusetts court from Massachusetts, from Providence and from their own Shawomet lands—They arrive upon the island—Island Aquidneck's name changed to Rhode Island.

Massachusetts in her assumed authority over the unchartered settlements denied their right of government; declaring that "the government at home would not endure a plantation without a patent."

The unchartered government of Providence was, in the absence of the King's authorization, insufficient in either law or unity to command the obedience of their subjects, had they been numerically strong enough, to resist the encroachments of the chartered governments. Gorton had urged these reasons for the need of a charter for the Narragansett Bay settlements.

After Massachusetts had, by virtue of the Arnolds' submission, asserted her claim to Providence, including the far-reaching Pawtuxet, it became evident to others of the settlers that their independence, their only guarantee of any rights with religious freedom, could not be longer maintained without a charter. Williams, Clark and others of the liberal party who had now come to acknowledge Gorton's theory of security and stable government, joined in petitioning the English government for a charter for government,⁵ and chose Williams for the responsible position, which he accepted, of proceeding without longer delay to England to secure one. Williams says: "Upon the frequent exception taken by Massachusetts that we had no authority for civil government, I went purposely to England to secure one."⁶

When, in February, 1642-3, Williams sat out on his mission "to seek this favor and protection from the mother country," he was not allowed to enter or leave Boston, Mass., so he proceeded to New York, then Manhattan. While enroute he witnessed the Indian assaults upon the Dutch settlements at New Haven and upon Long Island, in which were massacred many of those who had been driven from the island of Aquidneck by the rule of Coddington. Not until June did a ship for an English port sail from Manhattan, and on this he secured passage.⁷ Coddington's government had the September previous appointed a committee to secure them a patent for the island.⁸ Massachusetts already had Agents Peters and Weld in England making strenuous efforts to

and others" relates that the petitioners did in 1643 secure a charter.

⁵Williams' letter to Prentice and Mason, 1st Mass. Collec., i, 275-283. 4th Mass. Collec., ii, 40. 4th Mass. Collec., vi, 186. R. I. Rec., ii, 150-162. Rider's R. I. Hist. Tract 17, p. 88. Greene's Hist. R. I., p. 15. Gammel's Life of Williams, p. 116.

⁶Cotton's Bloody Tenets Washed. Williams Bloody Tenets of Persecution Intd.

⁷R. I. Rec., i, 125.

⁸Hugh Peters, Thomas

secure them a patent for the Narragansett territory, including Providence, Shawomet and the island, and Williams' departure was just in time to prevent it being patented to others.⁹

After Williams' departure from Providence, and before he set sail from Manhattan, the colonies of Massachusetts, New Haven and Connecticut concluded an alliance in what was termed a United offensive and defensive league against heretics and the Indian tribes who had not submitted to their governments. The colony of Plymouth was not represented, but was whipped in at the October sessions. The Providence or Narragansett Bay colonies, being made up largely of heretics and refugees from the other colonies of New England whom the league essayed to suppress, were not invited to join in it.¹⁰ They later repeatedly applied for admission in the hope of securing peace and relief from oppression,¹ but it was refused them principally upon the ground alleged, that they had no charter and belonged to the other colonies.² Military preparations were made by Massachusetts to subdue the heretical colonists to their government before Williams' return. The initial military movement was directed against John Greene and others of Providence and Occupasuetuxet, who yet clung to their homes and were preparing to make crops from their lands.³ On May 10th, the Massachusetts Court directed Captain General Cook, who was in chief command of the troops, to put the colony upon a war basis,⁴ ordered a company of soldiers sent "to Providence," and appointed commissioners to go under the leadership of their Commissioner, William Arnold, to treat with Greene and with Warner and Waterman of Providence, who, with Waddle and Powers, continued to reside there. On May 20th, the Massachusetts Court issued a Commission to William Arnold, Benedict Arnold, William Carpenter, Richard Chasmore, Christopher Hanksworth and Stephen Arnold, and to all and any of them, to apprehend the bodies of John Greene and his son John, Richard Waterman and Nicholas Powers, and to bring them to Boston, before the Governor or some other magistrate, to be proceeded with according to justice; and if need and occasion be they to take aid of any other English or Indians which are under the jurisdiction of Massachusetts; and to seize all the cattle of the said John Greene which cannot now be found as they might hereafter find and either send them to the Governor at Boston or to keep them safe till the Governor send for them."⁵ This was eighteen months after Gorton left Providence, six months after the time he left Papaquinepaug and moved to Shawomet, more than four months before Massachusetts asserted her claim to Shawomet, anyone there notified of any claim or anyone disturbed who lived there.

The Massachusetts commissioners who had unsuccessfully urged the chiefs of the Narragansett tribe to deny first the sale of Providence to Williams and second the sale of Occupasuetuxet to Greene, now diligently pressed the Narragansett Sachems⁶ for the submission of the tribe, the cession of their dominion to Massachusetts and to deny the sale of Shawomet to Gorton. Miantinomi upon the urgent solicitation of

Weld, William Hibbins, John Winthrop, Jr., and Thomas Lichford went together to England Aug. 3, 1641. Hibbins and Winthrop returned in Sep., 1642. Thomas Peters, brother of Hugh Peters, also went to England on business for the Mass. government in 1646, post p. Savage's Dictionary. Arnold's Hist. R. I., i, 118.

¹⁰Winslow's Memorial Introduction, p. 52.

176. Turners Greens in Colonial History 23.

Rec., i, 458.

Book Notes, Vol. 3, No. 21, pp. 241-244.

⁹Ante p. Post p. R. I. Collec., ii, 207, 211, 212.

In Oct., 1658, the Arnolds were required by the Mass. Court to give bonds for any judgment for damages secured against Mass. by Greene, before it would dismiss the Arnolds from the Mass. jurisdiction. Mass., Rec., iv, Pt. 1, 333, 356.

¹Trumbull's Hist. Conn., i,

²Williams' letter, R. I.

Mass. Rec., ii, 39.

⁶Mass. Rec., ii,

Commissioner Benedict Arnold and others, accompanied them again to the court at Boston, but he would not engage with the court in any negotiations. To all blandishments and inducements he was unyielding, and even the threat made by Benedict that the sale of the land to Gorton should cost Miantinomi his head failed to swerve the loyalty of this noble chief from his friends. Far from yielding them a submission or acceding to any of their wishes, he boldly acknowledged his sale of Occupasuetuxet and Shawomet and avowed his right to make them.⁷ Thereupon two of Miantinomi's subjects were employed by Arnold and the other Massachusetts commissioners to effect their purpose. One of these, Socononco, the local Sachem of the tract including Occupasuetuxet, and the other, Ponham, the local Sachem of Shawomet. They were induced by presents, the expectations of great gain and the hope of being elevated to independent sachemdoms to say that they signed the deed of sale of the land not voluntarily but from fear of Miantinomi. This statement, although shown to be untrue, if true effected not the validity of the sale, for they were subjects of Miantinomi, and according to all Indian usage removed at their chief's pleasure. They, on June 22d, 1643, submitted themselves as subjects of Massachusetts. This gave the Massachusetts Court a pretext for jurisdiction over Occupasuetuxet and Shawomet similar to that which it made by virtue of the submission of the four men before mentioned over Providence; but it was far short of what the Commissioners hoped to secure,—Miantinomi's submission and the rightful cession he could have made to them of the broad range under his dominion. The two Indians "came," Winthrop says, "to our government by Benedict Arnold," who was "allotted four pounds for his pains in procuring them,"⁸ and Arnold was granted permission to supply them with powder and shot as he had occasion. They were the most degraded and venial characters, ready tools at the service of any one who could supply them with rum and tobacco.⁹ Neither Socononco nor Ponham could wait until the victims would again abandon their land and houses; they had already entered their dwellings and had reasons not stated by Winthrop "for wishing to be released from responsibility to the Shawomet people. They were both thieves, and Ponham, having on one occasion crept down a chimney and rifled a house in the absence of its owner, was captured as he was attempting to escape by the same outlet. Perhaps the Massachusetts magistrates were not insensible of the ridicule thrown upon them. Ponham was afterwards shot by Massachusetts soldiers near Dedham. Hubbard says, "Among the rest of the captives at that time was one of Ponham's sons, a very likely youth and one whose countenance would have bespoken favor for him had he not belonged to so barbarous and bloody Indian as his father."¹⁰

The next session of the Massachusetts Court was on the 7th of September, following the submission of the two Indians. The Commissioners of the United League met at the same time in Boston. The Indian Sachems in the eastern portion of Long Island submitted themselves, their tribes and lands to the colonies which were within the league, and these tribes became to them a tributary people. The Massachusetts commissioners reported their possession of Narragansett lands secured, as they claimed, through the submission of the two forenamed Indians.

ii, 115, 121, 123. R. I. Collec., ii, 265. Deposition of Benedict Arnold, R. I. Collec., x, 56. Lands of R. I., 97. Drake's Book of the Indians. 27, 35. ⁷2d Savage's Winthrop, ii, 97, 100, 145. Palfrey's Hist. N. Eng.,

⁸Hildreth's Hist. N. Eng., i, 292. 1st Winthrop, ii, 120. 2d Winthrop, ii, 147, 148. Mass. Rec., ii, 27, 38, 40, 41. ⁹R. I. Collec., vii, 190. Greenes of Warwick 13. ¹⁰Bryant's Hist. U. S., ii, 79 note. R. I. Collec., ii, 267.

¹Hubbard's Indian Wars.

²Johnson gives the number as five or six who

On the 12th of September the Massachusetts Court caused the settlers of Shawomet to be informed through the before named subjected officers of the submission of the two Indians and of the consequent Massachusetts jurisdiction over the Shawomet land and people, and summoned Gorton, Wickes, Holden, Potter, Weston, Carder, Warner and Woodale, who were now living at Shawomet, to appear at Boston to answer complaints against them.

Seldom ever have men been so goaded beyond endurance and to the verge of desperation as were these men. After they had for peace sake abandoned their own houses and lands and gone to the forest outside the claims of every one, where they now, in all but seven of them,² not attempting to enforce their religious opinions on any one, and having done no man wrong, as shown at their trial at Boston later on, they prayed to be left only with what was their own alone; followed here and summoned to Boston.³

In reply to the Massachusetts notice "we told them," says Gorton, "that we, being so far out of their jurisdiction, could not, neither would we acknowledge subjection unto any in the place where we were, but only the State of old England, who only had right unto us, and from whom we doubted not, but in due season we should receive directions for the well ordering of us in all respects; and in the meantime we lived peaceably together, desiring and endeavoring to do wrong to no man, neither English nor Indian; ending all our difficulties in a neighborly and loving way of arbitration mutually chosen amongst us."⁴

On September 19th the Massachusetts court sent another notice, by the hands of the subjected officers, to Providence and Shawomet, informing them that they would shortly send Commissioners for satisfaction, with a sufficient guard for their safety against any violence or injury; if received they would be left in peace, otherwise to right themselves by force of arms. The military movements of the Massachusetts authorities against Greene and others at Providence and Occupasuetuxet and Gorton and others as Shawomet was directed by Benedict Arnold, who gave notice to Massachusetts of the proceeding of these men to secure themselves and reported that they were ready to meet the Massachusetts forces.⁵ Almost immediately following the notice the Commissioners, accompanied by a company of forty soldiers under command of Captain Cook, Lieutenant Atherton and Edward Johnson, the latter the author of "Sion's Savior in New England," were dispatched to Providence. Upon the approach of the troops Greene and the others wanted by the Massachusetts government, yet living at Providence and Occupasuctuxet, fled to Shawomet. The soldiers marched through Providence, making sure that none should escape, and on to Shawomet in pursuit of them. Thus by their fleeing brethren while the people of Shawomet were in the field at their employment the news of the approach of soldiers reached them. The commissioners and soldiers came to a halt September 28, 1643 before Shawomet. A message was sent out to the commissioners, who proved to be the officers of the company of soldiers, that if they would come to treat in any way of equity and peace they would be welcome, but not to set a foot upon Shawomet in a hostile way.

An answer was returned by the same messenger that they desired to convince them of their error, to turn them from evil, but if there was no way of turning them, then they should look upon them as men prepared for slaughter, and proceed with convenient speed to its execution.

The return of this answer from the officers frightened the women and

encroached and began to build.

⁴Simplicity's Defense, Staples' Ed. 96.

⁵Mass. Rec., ii, 41. R. I. Collec., ii, 95.

²2d Winthrop, ii, 146.

children, who fled to the woods, to the Indians and to the other settlements. The less than twelve men fortified themselves as best they could in one of the log houses.⁶ Gorton was the last to enter the citadel, having delayed that he might help his wife to a place of safety.⁷ Many people of Providence, not of those pursued by the troops, who being deeply affected with the proceedings, who had followed on to witness the result and to aid their brethren, were prevented by threats and the apparent hopelessness of success from assisting them. They, however, prevailed upon Captain Cook and his officers to enter into a parley. At the interview the Shawomet men inquired of the strangers the cause of their coming, the latter alleged that the former had intruded upon the subjects of Massachusetts, and that they held blasphemous errors which they must repent of or go with them to the Bay to answer in the courts respecting them.

The Shawomet men answered that they could not yield, that their adversaries should be their judges, and, too, they being so far out of their jurisdiction, but proposed to refer the matter to mutually chosen arbitrators. This proposition so commended itself to those present that a truce was agreed upon until word could be received from Massachusetts. Meantime the soldiers broke open the Shawomet people's houses and their desks and took away their writings,⁸ quartered themselves upon their cattle and drove away those who had come to see them.

Four of the Providence men, the excellent and venerable Chad Brown, who now was first pastor of the Providence Church while Williams was in England; Thomas Olney, William Field and William Wickenden, all ministers, wrote on October 2d to the Governor of Massachusetts praying him to accept the fair and reasonable propositions made to him; but Winthrop in his reply declined acceding to the proposition.

The truce was terminated by the return of the messengers and announced by the discharge of guns and the seizure of all the cattle, eighty head, which were turned over to William Arnold, and other stock and property of the settlers, and a message "was sent to Gorton informing him that the truce, which had been no truce, was ended." Gorton and his men were no cowards. The intruders, four times their number proceeded to establish themselves and open fire upon the settlers and besieged them for many days; and until the approach of the Sabbath, when Gorton indulged in the hope that the sanctity of the day would afford them a day of rest, but in this he and his friends were disappointed, for on the Sabbath morning fireworks were prepared with the intention of burning the house, which had served as the settlers fortress. The fire that was set to burn the house was extinguished. The besieged, however, though they had arms during all this time, discharged not a piece against them, being loth to spill the blood of their countrymen.

At length more soldiers were needed, and the intruders sent to Massachusetts for aid, and the besieged, seeing that in the end they would have to yield, sought once more a parley and consented to accompany the officers or commissioners to Massachusetts; provided they might go as "free men and neighbors." The conditions were allowed and the troops summoned to return home. The Captain, having been admitted into the castle of the besieged, immediately, in violation of the articles of capitulation, seized upon the arms of the settlers, gave them with ammunition to the subjected Indians, used Gorton and those with him as captives

⁶"The block-house of Samuel Gorton," probably built of logs with their sides squared and laid one on the other. ⁷The wives of John Greene and Robert Potter died from fright and exposure in their flight. ⁸R. I. Collec., ii, 105, 200, 225. Force's iv Tract, 6, p. 53.

⁹Mass. Rec., ii, 53. 54.

and marched them through the "Town Street" of Providence as if it were their jurisdiction, on to Boston for trial. The men captured at Shawomet were Samuel Gorton, Randall Holden, John Wickes, Richard Carder, Sampson Shotten, Robert Potter, John Warner, William Waddel and Francis Weston. Richard Waterman and Nicholas Power surrendered themselves and appeared at the trial with the rest of them,⁹ but another warrant was issued to the before-named subjected officers for the arrest of John Greene and John Greene, Jr., who had taken refuge on the island of Conanicut and avoided being taken,¹⁰ with directions to bring them to Boston. The assent upon the people of Shawomet was nine months from the time the first of them settled there.

At the trial no one complained of any injury or wrong, not a person but the ministers and magistrates appeared against them.¹ Out of their writings the magistrates framed twenty-six gross opinions. Upon Gorton's denial of the constructions they had given his writings he was commanded by Dudley, upon penalty of irons, to be silent. Mr. Bradford very courageously and at much risk to his interests² prevented further questioning unless he was free to speak to them.³

The captured men were for their heretical opinions condemned as blasphemous enemies of the Lord Jesus and were sentenced⁴ and imprisoned, narrowly escaping the penalty of death by the refusal of the people to concur in the judgment of the Elders. All of the magistrates save three were of the opinion that Gorton ought to die, but the greater part of the deputies,⁵ who were chosen by the people, dissented.⁶ Gorton was confined at Charleston and the others in other towns until March, 1644, the whole winter, and set at liberty then because the proceedings had never the approval of the people, the masses, and it was dangerous longer to keep them.⁷

The order for the release of the prisoners was passed by the General Court on March 7th, but when it was presented to Gorton accompanied by a smith to file off his fetters, he refused to part with them on the conditions presented, and declared he would wait for "fairer terms of release." "When the constable returned with the chief men of the town, who ordered the irons to be removed by force, Gorton relaxed his resolution and left the prison." This was on the thirteenth of March or after. "Gorton and his friends were so kindly received in the various houses in Boston that the jealousy of the Magistrates was aroused and the Governor took upon himself the responsibility of issuing a warrant commanding them to leave town within the space of two hours." They were also forbidden to be longer than fourteen days in Massachusetts, in or near Providence or any of the lands of Ponham or Socononco [their own land] or elsewhere in our jurisdiction."⁸

With free consciences they set out for the island. "Was Captain Cook a good captain?" asked some of them of an Indian chief at whose wigwam they were entertained on their journey. "I cannot tell," he answered, "but Indians account of those as good captains where a few stand out against many." They lodged the last night of their journey in

¹⁰Greenes of Warwick in Colonial Hist. 4.

"We never had accusation brought against us but that arose from the magistrates and ministers, for we walked so as to do no man wrong." Gorton in R. I. Collec., ii. 54. ²A penalty imposed of fine or whipping for taking heretics by the hand is related by John Clark in his "Ill News from New England." 4th Mass. Collec., ii.

³R. I. Collec., ii. 133. ⁴Sentence, Mass. Rec., ii. 52, R. I. Collec., ii. 134 and note.

⁵Upon the whole vote there was a majority of two in Gorton's favor. 2d Mass. Collec., viii. 69. R. I. Collec., ii. 134, 232.

⁶Winslow's Defense. R. I. Collec., ii. 276. 2d Winthrop, ii. 177.

⁷2d Winthrop, 179 and note. Judge George A Brayton's Defense of Samuel Gorton.

⁸Mass. Rec., ii. 57, R. I. Collec., ii. 148-150.

⁹"There hath been no

their houses at Shawomet, where, perceiving that Shawomet was not expressly named in the order of the court banishing them, they addressed a letter of inquiry from "the government of Shawomet" by William Warner, secretary to Governor Winthrop; he replying that it was included in the territory forbidden them. They did not wait there for the reply to their letter, for Gorton says they arrived on the island within the limit of their banishment. Again, "about a week after," says Winthrop, "we sent men to fetch so many of their cattle as might defray our charge, both of the soldiers and of the court which spent many days about them and for their expenses in prison. It came in all to about £160.⁹

The greatest injustice to Gorton was not in anything we have related, but in the untruthful account of him circulated by Massachusetts writers, not to justify the people of Massachusetts for they never did approve of it, but to justify the Magistrates' and Elders' proceedings. Gorton said, truthfully, that "they labored to give the country satisfaction by rehearsing gross opinions of us, and interpretation of our writings which we abhor. That we denied the holy ordinances of Christ because we could not join with them in their way of administration. That we denied all civil magistracy because we could not yield to their authority, we being above twenty-four miles out of their bounds, which we should not have questioned if we had been within them. Our humble respects unto all such authority hath been made manifest to all men."¹⁰

Through the history of these people and their struggles for life, liberty and the possession of their homes yet forty-three troubled years before allowed peaceable and permanent possession of them, "Shawomet has become a name not only memorable but consecrated by the heroism, the suffering and the Christian patience of Samuel Gorton and his companions."¹¹

CHAPTER VI.

THE NARRAGANSETT NATION.

The Narragansett Nation—Extent of its domain—War and stratagem—Miantinomi captured and his son slain—Denial by Massachusetts of the Sachem's right to the land or to sell it to Greene, Gorton and Williams—Gorton intercedes for the life of Miantinomi—Miantinomi put to death and word justifying it sent to Canonicus—Grief of the Narragansetts—The Sachems send for Gorton to visit them—Gorton secures from them their submission and cession of their dominion—The Narragansetts called to answer for what they had done and their reply to Massachusetts—Cordial reception of Gorton by the people upon his return to the island—Gorton again chosen Magistrate—Gorton and others settle down on the island to abide the arrival of the charter—Political reunion of the church—Coddington writes to Winthrop of Gorton's adherents' opposition to him and to Massachusetts—Coddington's attempt to deliver Gorton again to the Massachusetts court prevented by the island people.

At the time of the first settlement of the English in Narragansett the Narragansett nation was without a rival or equal among the tribes

small noise of Master Gorton and his friends being disciplined [by Mass.]. It is worth the inquiry to ask what conviction and conversion hath all these hostilities, captivatings, courtings, imprisonments, chainings, banishments, etc., wrought upon them." Roger Williams. Austin's Collections of Williams' Writings.

⁹R. I. Collec., ii, 120.

¹⁰William D. Ely and John A. Howland in Proc. R. I. H. Soc., 1887-88, p. 44. William D. Ely, Proc. R. I. H. Soc., 1890-91, pp.

of the east. Canonculus was its Chief, and no eastern tribe could compare with it either in extent of jurisdiction, number of warriors, firmness and wisdom of government, or industry of its people. Its Chief had full and undoubted jurisdiction over the inhabitants of a tract of country extending from the Nimpuck country, which is now Oxford, Mass., in the north, southerly to the ocean, including Manesses (or Block Island) and a part of Long Island. It began on the east with Seekonk river and the eastern shores of Narragansett Bay, and extended westward, including the islands, to the Pawcattuk river or perhaps beyond it to the borders of the tribe which dwelt "in the trust of Pequot river, now called the Thames, and was under the control of the fierce and bloodthirsty enemy of the Narragansetts, Uncas, a chief who had rebelled against Sassacus, the Pequot Sachem, and detached from its allegiance a considerable portion of his nation, of which he had formed a distinct tribe.

The general name of Narragansetts was applied to all the inhabitants of this long tract of country; but they were divided into several petty tribes with each its under-sachem and local name; and this appellation, in its original and restrictive sense, belonged only to that tribe which dwelt on the southwestern shores of the bay. This was the chief tribe, or the most distinguished of all the tribes of which the nation was composed, and the Sachem or ruler of this tribe was consequently the Grand Sachem, and his jurisdiction and government extended over the entire country here described bounds of the nation.

More than this, the Wampanoags to the east were subject to them, but their chief, Massasoit, formed an alliance with the Whites, gave them a portion of the lands he had subjected to Canonculus and Miantinomi; and was reinstated at the head of an independent confederacy.

After the extermination [Sept., 1638] of the Pequot tribe, a treaty was arranged by the Whites between Miantinomi, nephew of Canonculus and now active Chief of the Narragansetts, and Uncas, the treacherous Chief of the Mohegans, agreeing to an oblivion of the past, and that new complaints should be submitted to the Whites for arbitration.

The treaty was not kept inviolate. Uncas established himself in the popularity of the Whites at Boston and grew more insolent to his Narragansett brethren. He threw out menaces, uttered the names of their honored dead and jeered at their memory. For a succession of injuries done to his friends and kindred, Miantinomi complained first to Connecticut and was told that they did not countenance or justify the wrongs. He then complained to Massachusetts and was told that if Uncas had done him or his friends wrong and would give no satisfaction, he was at liberty to take his own course. He had thus fulfilled the obligations of the treaty to the letter. The arbitrators had declined acting and he went about to redress his wrongs in his own way.

The two armies approached each other over a place since called Sachems' Plain; and here Uncas proceeded to carry into effect a stratagem.

Before the battle commenced, he stepped from his ranks and desired a parley [the two armies thereupon halting within bowshot of one another], and suggested that "stout men fight it out" in a personal battle. This refusal was what Uncas had anticipated, and the moment it was uttered he fell flat on the ground and his men discharged their arrows over him upon the unsuspecting Narragansetts. They yielded to the shock, broke and fled. They were pursued, many falling beneath the stroke of tomahawk and war club. Among the slain were two sons

of Canonnicus and a brother of Miantinomi. In the heat of the pursuit the Mohegans were arrested by the shout of Uncas, announcing the capture, the fall of Miantinomi.²

Miantinomi had been the friend of Williams and Gorton in their distress. When Gorton and his persecuted followers removed to Shawomet, the kind and generous Chieftain received them and their families with generous hospitality and granted them land upon which to dwell among them, and he was not in the day of his tribulation forgotten.

The right of Miantinomi to grant this land Massachusetts denied, and after having seduced his under-sachems to renounce his authority the Magistrates of Massachusetts summoned the independent chief himself to appear before them, as judges in their own cause, to show by what right he had made the grant and how he claimed jurisdiction over his own subjects.

It was during the heat of the proceedings of the Boston Commissioners against Gorton and his friends that Gorton learned that Miantinomi had become the captive of Uncas, the favorite and protege of Massachusetts. He immediately interposed, requiring Uncas to release his prisoner, and threatening him with vengeance if he refused. The shrewd Mohegan thereupon surrendered his prisoner, but to the public authorities at Hartford. To the latter, neither Gorton's efforts or Miantinomi's earnest plea that he be delivered to his Shawomet and Providence friends were availing.³ The authorities at Hartford retained him, even after the payment by the Narragansetts to Uncas of a large ransom,⁴ a prisoner until the Commissioners met at Boston in September,⁵ when they sought the advice of the Elders, who upon the pretense that he, in what he had done, had not consulted them according to the treaty or agreement—the evident ground for the decision, however, being that all their efforts had proven that he could not be seduced from his allegiance to Gorton and Williams and made to renounce his deeds of land to them, and submit himself and his dominion to the government of Massachusetts—gave their opinion that he deserved to die.⁶ The Commissioners thereupon returned him to Uncas, commanded Uncas to put him to death, and engaged to save him harmless of the consequences.⁷ He was killed while the troops were besieging Gorton and his party in the block building. Winthrop sent a letter to Canonnicus justifying the execution, and, "that the Indians might know that the English did approve it, sent twelve or fourteen muskateers to abide awhile" with Uncas for his protection.⁸

Upon the receipt of the news of the death of Miantinomi, "one universal wail of grief passed through all Narragansett." Loud lamentations, day and night, burst from groups of women and children and aged men, whilst the warriors blackened their faces, sharpened their hatchets and muttered dreadful imprecations.

"The chief and most aged peaceable father of the country, Canonnicus, having buried his sons, he burned his own palace and all his goods in it [among them to a great value] in a solemn remembrance and in a kind of humble expiation to the Gods." And Pessacus, one of the successors and the brother of Miantinomi, sent messengers to the Governor of Massachusetts, informing him of his determination to avenge the death of their Sachem.

sent to him by Gorton; but that this at all retarded his action, as writers have asserted, is not probable. ²Trumbull's Hist. Conn. 131. ⁵5th Mass. Collec., i, 331. R. I. Collec., vii, 64.

³Hollister's Hist. Conn., i, 122. ⁴Acts, Coms. United Colonies, Sep. 1643, pp. 9-12. ^{2d} Winthrop, ii, 158 and note. R. I. Rec., i, 137. Gammel's Life of Williams, 125. R. I. Collec., vii, 167.

⁷Trumbull's Hist. Conn., i, 136. ⁸2d Winthrop, ii, 161, 162, 301.

⁹Williams' Key, Nar. Club, i, and in Complete Works of H. J. Durfee, LL. D.,

The sturdy resistance of Gorton to the injustice of the Massachusetts authorities,¹⁰ his restoration to freedom, the plea he had made for Miantinomi, and his ever kindly interest in the welfare of the red people gave him the highest favor any man had attained to among them; and the Sachems, immediately upon Gorton's freedom and arrival upon the island, sent messengers to him, to recount to him their wrongs, to express their sympathy and love for him and their surprise and joy at his release. When they returned he accompanied them. The Sachems, seeing the approach of the vessel, sent a band of lusty men who met him and conducted him to the old Sachem Cannonicus, multitudes of Indians coming forth joyfully to meet him. Directly upon Gorton's arrival among them, on April 19th, a General Assembly of the Narragansett Nation was called by their Chiefs for the public manifestation of the sense of the wrong done them and for the adoption of measures to right them. An accusation, plainly false, was made by the Massachusetts Magistrates against the planters of encouraging the Narragansetts to war. The Narragansetts, at this time a powerful tribe, needed no encouragement to leap in avenging warfare; they ached for it. Only Gorton's influence with them and their heed to his persuasion that they refrain from violence and await the better righting of their wrongs by the English government, which all felt sure would be done, restrained them from the slaughter of many Massachusetts settlers. An Act of Submission, which the Massachusetts Commissioner had been unable to obtain from them, was procured from them by Gorton. Williams had not yet returned with the charter, and so from necessity, as well as propriety, the submission was taken to the parent government. A formal act, setting forth their reasons therefor, submitting themselves and granting their entire dominion to the government of the King, was drawn up by Gorton, and it was subscribed to by Pessicus, Chief Sachem, brother and successor of the late Miantinomi, and Cannonicus and his son Mixan.¹ The article was also a peace treaty in which they, yielding to Gorton's advice, agreed not to war for revenge, but to submit their wrongs and their redress to the justice of Great Britain; and although civil war in England prevented that government from protecting them in their rights or redressing their grievances and the killing of Miantinomi went unavenged, the Narragansetts, out of regard for Gorton and Williams, never violated this agreement, even after they had despaired of relief from England. They remained neutral in war until forced from it by the other colonies assaulting them.²

At the time of Gorton and his company's release "the triumph of Massachusetts seemed complete; yet within forty days this despised handful of men, by a master stroke, snatched victory from defeat." With matchless statesmanship they induced the Narragansett Indians to cede the coveted Narragansett territory to the King, and thus raised a perpetual bulwark against a final conquest of Rhode Island and Providence Plantations by Massachusetts Bay.³

The Article of Submission and Cession by the Narragansett Nation contains the following: We, the Chief Sachems, Princes or Governors of the Narragansetts [in that part of America now called New England]

Chief Justice R. I. ¹⁰R. I. Collec., vii, 194. Gorton was a clever linguist; his eldest son also. They were of the few who understood the Indians and could converse with them freely.

¹¹"Rhode Island's claim to a tract of territory on which without doubt depended her existence," Dr. Henry E. Turner in Colonial Hist. of Greene Family. "They," of Shawomet, "fearing to be again troubled, the Mass. seeking a patent for some of the Narragansett country, they procured an actual and solemn submission of the Sachems," *Calendar in R. I. Collec.*, iv, 90.

²Judge Durfee, *His Works*, Gladding and Proud, Prov., 1849.

³Wm. D. Ely, *Proc. Mass. Hist. Soc.*, 1837-88.

together with the joint and unanimous consent of all our people, bending their hearts with one consent, freely and voluntarily give ourselves, peoples, lands, rights, inheritances, and possessions in themselves and their heirs successively forever, unto the government of Prince Charles, King of Great Britain, forever, to be governed according to the ancient laws established in the realm and kingdom of England, as loving and obedient subjects of his Majesty; to be ruled according to his princely wisdom, council and laws of that honorable State of old England, upon conditions of His Majesty's royal protection and righting us of what wrong is or may be done unto us. To have our causes heard and tried according to his just and equal laws. Nor can we yield ourselves unto any that are subjects themselves in any cause; having ourselves been the Chief Sachems or Princes successively of the country time out of mind. And for our present and lawful enacting hereof, being so far remote from His Majesty, we have by joint consent made choice of four of his loyal and loving subjects, our trusty and well beloved friends, Samuel Gorton, John Wickes, Randall Holden, and John Greene, whom we have deputed and made our lawful Attorneys and Commissioners, not only for the acting and performing of this our deed, but also for the safe custody, careful conveyance and declaration hereof unto his grace.⁴

The Chief Sachems having been sent for by Massachusetts to make their appearance at Boston and answer for what they had done to the General Court then approaching, replied, on May 24th, in a letter containing the following:

We understand you desire that we should come to Massachusetts at the time of your Court now approaching. Our occasions at this same time are very great, and the more because of the loss in that manner of our late deceased brother, upon which occasion, if we should not stir ourselves to give testimony of our faithfulness unto the cause of that, our so unjust deprivation of such an instrument as he was amongst us for our common good, we should fear his blood would lie upon us; so we desire your reasons why you seem to advise us not to go out against our so inhuman and cruel adversary, who took so great a ransom to release him and his life also. Our brother was willing to stir much abroad to converse with men, and we see a sad event thereupon. Take it not ill therefore, though we resolve to keep at home, and so at this time do not repair unto you according to your request; and the rather because we have subjected ourselves, our lands and possessions, with all the rights and inheritances of us and our people, either by conquest, voluntary subjection or otherwise, unto that famous and honorable government of that royal kingdom of King Charles, and that State of old England, to be ordered and governed according to the laws and customs thereof; not doubting of the continuance of that former love that hath been betwixt you and us, but rather to have it increase; hereby being subject now (and that with joint and voluntary consent) unto the same King and State yourselves are; so that if any small thing of difference shall fall out betwixt us, only the sending of a messenger may bring it to right again; but if any great matter should fall (which we hope and desire will not nor may not), then neither yourselves nor we are to be judges; and both of us are to have recourse and repair unto that honorable and just government.⁵

On June 20th a General Court of the Commissioners put in trust for the publication of the Act of Submission was held, and a letter was

⁴R. I. Rec., i, 134.

⁵R. I. Rec., i, 136.

⁶R. I. Rec., i, 138. This submission of the Narragansetts to the government of England of the land as

prepared by them and copies subscribed to by their Secretary, sent to both the Massachusetts Court and that of the United Colonies then assembled [there being, Gorton says, fear and jealousies raised up in their minds that the Narragansetts would harm them], informing them of the voluntary performance of their act of the cession of their lands and of their agreement to abide a peaceable settlement of all difficulties between them, the latter thus concluding: That so not ourselves only, who are eye and ear witnesses hereof, but you also, may follow our occasions and employments without any extraordinary care or fear of the people aforesaid. But if either you or we find anything among them too grievous to be borne, they not making any violent assault upon us, we know whither and to whom we are to repair and have recourse for redress, as we bend our allegiance and subjection unto our King and State, unto which they are become fellow-subjects with ourselves; and therefore of necessity His Majesty's princely care must reach unto them.⁶

Upon the receipt of this at Boston, messengers were again dispatched to the Sachems to persuade them to repudiate the transaction and yet submit to Massachusetts, and to dissuade them from taking counsel from men, Winthrop says, "such as we had banished;" but when the messengers came to Cannonicus he would not admit them into his wigwam and remained within, while the messengers stood for two hours out in the rain.⁸ When he did admit them, he lay long on his couch and would not speak to them more than a few forward speeches, but referred them to Pessicus, who, coming after some four hours, showed them into an ordinary wigwam and there had conference with them the most part of the night.

The seizure of Shawomet and the new light Cannonicus "had gained respecting the weakness of his neighbors did not move him to break the faith which he had pledged to them. He might have done it with impunity and with profit. The Boston theologians, who had found reasons wherewith to satisfy the conscience of the Magistracy with the death of Miantinomi, could have found equally good ones to justify Cannonicus in the repudiation of the grants to misbelievers such as Gorton and Williams; but against all hopes of favor or money the old barbarian kept his word." The messengers were answered, Winthrop says, "full to the question," and they returned, without accomplishing anything, to Boston.

No measure could be more offensive to the Massachusetts Magistrates than the cession act of the Narragansetts procured by Gorton, or could more provoke their resentment, because it was their own intention and practice to "acquire the subjection of the same territory."¹⁰ They had fruitlessly made every effort to obtain it. No act ever better served the main purpose of its promoter than this. It was by the King and his Commissioners held to be the original of all claims to the territory; cutting the knot of the question pending between the disputants for it; was declared by them to be the best of all claims, and therefore they definitely allotted this territory to the government of the Williams' charter, for which he who drew the act intended it.¹

The whole Liberal party, and that comprised seven-eighths of the

was then the English practice was virtually but a session of sovereignty, as England acknowledged to the Narragansetts the use or disposition of the soil, and assayed to protect them in their right to it. The Mass. Court vainly sought the Narragansetts submission for their claimed double right of sovereignty and the use or disposition of the soil to settlers. ^{12d} Winthrop, ii, 203.

⁹R. I. Collec., vii, 161, 191.

^{9d} Winthrop, ii, 203. Nar. Club, ii.

¹⁰Chalmers' Political Annals, Book i, ch. xi, p. 273.

¹R. I. Rec., iii, 40.

people inhabiting Providence, Shawomet and Aquidneck Island, had been alarmed and distressed by the proceedings of Massachusetts, and were deeply in sympathy with Gorton and the others of the Shawomet people. William Arnold, in a letter to Massachusetts,² writes: "The most part of the colony stand affected with them against Massachusetts' dealings." Made shelterless in New England mid-winter, "only the kindness of their friends saved their wives and children from utter extermination."³ The large share of the inhabitants of Portsmouth had been members with Gorton of the model civil government he with Hutchinson established there. Those who were driven away were only the leading ones of Coddington's opponents. The larger part of the Liberal party remained there. They were the popular and majority party, and were emphatically law and order men, ardent advocates of civil government and civil magistracy there, and were opposed to no magistracy but that which was corrupt and that had illegally set itself up. The restoration to the island of Gorton, their leader and so able an advocate of their principles, was of "much strength" to the cause and was accordingly hailed with delight by the people. Although Coddington at Newport claimed jurisdiction over the Portsmouth people, and tried in his high court such of them as he could entrap in it, Portsmouth men maintained their own courts, chose their own officers, and for these all enjoyed the franchise privileges; and they, immediately upon Gorton's arrival, chose him to the office of Judge or Magistrate as an expression of their loyalty and affection.⁴ In this office he was continued for many years.⁵ Coddington did not hold his court in Portsmouth.

Trusting that "in due season they would receive directions for their well ordering" and the protection that would enable them to return to their homes at Shawomet, the banished people, Gorton with them, quietly settled down upon the island; they and the people of Portsmouth eagerly awaiting the arrival of the charter.⁷

About two years previous to this,⁸ Deacon Aspinwall of Portsmouth, who was the only one of the first island settlers that Massachusetts had banished, had returned to the church. "He made," says Winthrop, "a very free and full acknowledgement of his error and seducement, and that with much detestation of his sin." Mr. Wheelright, who had occasioned the separation and emigration of the company to the island, eventually also tendered to the church his submission. The church authority was well established in Coddington's court, so far as it could exercise its authority. Though he "maintained" his court at Newport, its work was at about an end, the business resting with the local Magistrates of the towns. He wrote to Governor Winthrop of Massachusetts the following: "Gorton is here against my mind and shall not be protected by me. A party here adhere to Gorton and his company in both plantations and judge them so much strength to the place, but are no friends to us and you."⁹ As they remained on the island and did not depart, as did the Hutchinsons and others, the correspondence was continued between Massachusetts and those here now "members of their church," to again deliver them into their hands, but the people

41, 61, 62, 63. Fuller's Hist. Warwick, 28. Arnold's Hist. R. I., i, 195. Palfrey's Hist. N. E., ii, 603. Williams, Nar. Club, vi, R. I. Collec. ii, 207-212.

²Turners Greeces of Warwick.

³R. I. Collec.,

letter, post p. ⁴Coddington's

i, 160.

⁵Winthrop's Defense, 83, post p. Arnold's Hist. R. I.,

⁶The local judges were later made the Commissioners and

Deputies or Representatives of the towns in the charter government.

⁷Gorton had no intention of immediately leaving Rhode Island." Palfrey, ii,

223 note. R. I. Collec., ii, 165. Force's iv, Tract 6, p. 96. ⁸On Mar.

27, 1642. ⁹Mass. Arch., ii, 4, 5. ¹⁰R. I. Collec., ii, 165.

having notice thereof did altogether detest such a course; so they still abode and followed their employment.¹⁰ Both Williams and Gorton in their writings referring to Aquidneck called it Rhode Island. During this year the island was officially given this name.

CHAPTER VII.

Williams arrives with the charter for government of mainland and island, all as "Providence Plantations"—Organization of government—Williams Governor, Clark Deputy Governor, Gorton Assistant and Judge—The people subscribe to the King and his laws under the charter—A code of laws for the government of the colony—Deputies, or Commissioners, sent from all the towns—Imprisonment for debt abolished—Cannonicus again grants Narragansett lands (Wickford) to Williams—Williams leaves Providence, builds a Trading House on his grant and settles on it—Assembly of the chartered government at Portsmouth—Movement to allot lands at Wickford and to return to Shawomet—Rival claims of Plymouth and Massachusetts—Arnold directed by Massachusetts to remove any who should settle—Coddington and his briefless court—His danger from the people—Massachusetts government attaches Providence and Shawomet, and sends to bring the people to Boston—Massachusetts begins war against the Narragansetts—Soldiers sent against them—Messengers' and soldiers' repeated attempts to secure the Narragansetts' submission and to bring their chieftains to Boston—Repeated failures of their mission—The messengers visit Williams at his Trading House, receive a letter from him and return to Boston—The Collegued colonies declare war against the Narragansetts—Reasons for the war ordered to be published—Three hundred troops and a fleet and other men for it ordered raised and a fort built upon Shawomet—Notice from Williams to Massachusetts of a treaty of neutrality entered into between the Narragansetts and the government of the Providence Plantations.

Charles the First had left Whitehall, then the seat of the English government, on January 10th, 1642-3, before Williams left Providence, and Parliament had, in November, 1643, constituted Commissioners empowered to dispose of all things regarding the Plantations;¹ from whom Williams, on the 14th of March, 1643-4, procured a charter for the "Providence Plantations," "bounding northward and northeast on the patent of Massachusetts, and southeast on Plymouth patent, south on the ocean, and on the west and northwest by the Indians called the Narragansetts; the whole tract extending about twenty-five miles into the Pequot river and country. And, whereas, divers well affected and industrious English inhabitants of the towns of Providence, Portsmouth and Newport, in the tract aforesaid, have adventured to make a near neighborhood and society with the great body of the Narragansetts; and *have also purchased and are purchasing of the natives other places which may be convenient for Plantations;* and, whereas, the English have represented their desire to the Earl and Commissioners to have their beginning approved and confirmed by granting unto them a Free Charter of Civil Incorporation and Government, *that they may order and govern their Plantations in such a manner as to maintain quiet and peace both among themselves and toward all men with whom they shall have to do.* In due consideration of said premises, the said Robert Earl of Warwick, Governor-in-Chief and Lord High Admiral of the said Plantations, and *the greater number* of the said Commissioners whose names and seals are here underwritten and subjoined, do by the aforesaid ordinance of the Lord and Commons give grant and confirm

¹R. I. Rec., i, 143, 144. R. I. Collec., iv, 222.

²This territory and its

to the aforesaid inhabitants of the towns of Providence, Portsmouth and Newport *a free and absolute Charter of Incorporation*, to be known by the name of the *Incorporation of Providence Plantations*¹ in the Narragansett Bay; together *with full power and authority to rule themselves and such others as shall hereafter inhabit within any part of the said tract of land.*"²

The patent provided for prospective settlements, covering as was intended and had been planned by these people, besides the lands where settlements were established, any lands now granted or that should hereafter be granted for settlement by the Indians to Gorton and his friends, who were preparing to build dwellings when Williams departed.⁴

Williams upon his return was saved from the long route via Manhattan by a letter furnished him by Northumberland, Fernwick and ten other Parliament peers and Commoners, commanding the Massachusetts Magistrates to not molest him and to regard the charter; with which letter and charter he, on September 17th, 1644, landed at Boston. Upon Williams' arrival with the charter and shield to his planters from the aggressions of the Massachusetts rulers, bitter censures were poured out by the latter upon the heads of Peters and Weld, their unsuccessful agents.⁵ The delight of the settlers of the Providence Plantations was great and expressed by public demonstrations. The charter, says Gorton, "was joyfully received by the entire colony,"⁶ by those of Shawomet not the least, for it gave to all the plantations the power of government that would, it was thought, protect them in the peaceful possession of their lands and homes.

The Parliament Commissioners, after Williams' departure on August 19th, 1644, in response to complaints which had been sent to them of the invasion of the Plantations and the imprisonment of Gorton and his companions, sent a letter of reproof to the Massachusetts authorities, which letter probably as early as October reached them.⁷ Yet the Massachusetts Court, undismayed by all, on October 17th, 1644, sent a letter forbidding any person intending to settle at Shawomet to do so, and asserted their resolutions to maintain what they called their rights.⁸

"With all expedition," in October or November, 1644, at Portsmouth, "a joint course was held for instructing the people into the power of the charter and liberties thereof, for the exercise of the authority in the execution of law for the good and quiet of the people." Representatives from all the towns in the colony were present, and they formed an organization of government under the charter, which included all the

government could not well have been named otherwise than Providence Plantations, for Providence was the main settlement and there was not then such a place as Rhode Island: This name was given by the Island Court to Aquidneck Island on Mar. 13, 1643-4, after the last reading of Williams' charter upon its passage by the Foreign Commissioners in England. R. I. Rec., i, 127. R. I. Collec., iv, 88.

²R. I. Rec., i, 143-146. English land at this time was owned by the government. Its patent, as that to Mass., was both a grant of dominion, i. e., the right to govern the inhabitants of it and a grant of the right of loyalists to its use. One of Williams' offenses to Mass. was his assertion that they should not receive the use of the land from Eng. This opinion was held also by Gorton and most others of the Prov. Plantations, and in accordance with this view the patent applied for and received by Williams granted only dominion, recognizing the Indians as the rightful lords to its use. This right the inhabitants of Prov. Plantations received by grant from the Indians. The Feudal system of government ownership of English lands was shortly afterwards abolished.

⁴There was no town upon the wild lands called by the Indians Shawomet when Williams went to obtain the charter, but before he returned the settlers had built there and been driven from the town, now of about four little dwellings.

⁵Remarks of Thomas Aspinwall. Sidney S. Rider, Pub. Prov.

⁶R. I. Collec., ii, 121.

⁷Baylie's Hist. Plymouth, i,

250. ⁸R. I. H. Tract 17, p. 110. R. I. Collec., ii, 166.

⁹Gorton's

towns within the Narragansett tract, under the name of the Incorporation of the Providence Plantations.⁹ No records of the names of the corporators and of only part of its officers are preserved. Williams was chosen Governor;¹⁰ Clark a Representative of Newport, doubtless one of "the Commissioners" present whom Coddington says "joined them,"¹¹ was chosen Deputy Governor;¹² Gorton was chosen an Assistant and Judge;¹³ and other Commissioners from Portsmouth and Shawomet accepted offices to which they were chosen.¹⁴

By this charter organization "it was then that the inhabitants of the State first became a corporate people."¹⁵ This was the beginning, with Williams the first Governor, of the government of the present State. The Plantation of Providence immediately subscribed to, constructed and conducted its government under it and in accordance with the charter provisions. It enforced its orders. It was, according to the then highest earthly authority, the English government, a legally constituted and legally organized government, and although most of the early records are destroyed, sufficient evidence to assure us of the exercise of its authority at this time remains. It was the beginning of the chartered government granting and maintaining unlimited freedom in matters of conscience and franchise rights to all its people. A remarkable code of laws, one of the earliest compilation of laws in American history, in which Gorton's wisdom and literary talent, and also his superior legal acquirements, are apparent, was drawn up for the government of the colony. "In the construction of this code, care was taken to avoid the errors of which Gorton had complained in the judicial procedures of the other colonies by making each section conform to existing English law, reference to the corresponding English Statutes being placed at the end thereof." It forbade imprisonment for debt, and in other respects was in advance of contemporary legislation. The position against witchcraft indicates a prevailing scepticism here at the time when Massachusetts was under the spell of the delusion, soon to break out in an appalling epidemic of persecution.¹⁶ The men of Shawomet were particularly accused by the Massachusetts authorities, in a letter addressed to the agent of the colony in England, for "crying out against them that putteth people to death for witches, for

account in R. I. Collec., ii, 165, 166, R. I. H. Tract 17, p. 110. "Had an organization of the whole colony in the fall at Portsmouth, Gorton and others accepting the places to which chosen." Judge Brayton in Rider's Tract 17.

⁹Williams in his letter, R. I. Rec., i, 458, writes: "Myself the Chief-officer in this colony," see his letter in latter portion of these pages. R. I. Collec., iii, 159-162. Williams was in 1652, "as well as before this time, elected to the office of President or Governor of the colony." Judge Durfee, His Works, 177.

¹⁰Coddington's letter to Winthrop, Nov. 11, 1646, "The Commissioners have joined them in the same charter."

¹¹Capt. John Laveret of Mass. writes, in about 1651, to Thos. Tempee of London, Eng.: "It is creditably reported that Rhode Island has chosen one John Clark their Deputy Governor, and intend to send him to complain to his Majesty." Hutchinson Papers 382, 383. In Nov., 1651, Clark sailed on that mission from Boston, and in the same month Leveret followed him to answer him. At no period after 1644-7 was Clark a Deputy Governor until 1670. Thus it appears that the titles of the chief officers in the organization, 1644, were Governor, Deputy Governor and Assistants. The government modeled after that of Hutchinson and Gorton upon the island.

¹²"An Incorruptable Key, by Samuel Gorton, at the time of penning hereof in the place of Judication, Rhode Island, Providence Plantations, printed in the year 1647." This was printed while he was in England.

¹³"We, by the general vote of all the colony, have been chosen into the place of judicature for the orderly execution of the authority of the charter." Gorton's account, Force's Tract, Vol. iv. R. I. Collec., ii, 121, 165, 166. Winslow's Defense, 83.

¹⁴Judge Durfee, His Works, 481, pub. 1849 at Prov. and Boston.

¹⁵Janes' Life of Samuel Gorton.

¹⁶William Arnold's letter to Winthrop in Book of News, in Winslow's Defense, copy of letter in R. I. Rec., i, 235.

they say there be no other witches upon earth nor devils but your own pastors and ministers, such as they are."

The order from the Massachusetts Court of October 17th was received; and letters from the Earl of Warwick, President of the Board of Parliament Commissioners, were, as in divers times before, received by the Commissioners of the new government, enclosing directions to the neighboring colonies to respect the chartered rights and expressing his resolution to maintain the charter granted to Williams.⁸ "Upon this the country about us was more friendly and wrote to us as an authorized colony, only the difference of our consciences much obstructed."⁹

There are no preserved records of a January or February General Assembly. By plunder and by fire and otherwise the greater part of the records at Providence for the years 1644, 45, 46 were destroyed. Seldom were books used then, but the records kept on separate sheets of paper. If any book of general affairs was kept, it is missing. When a Town-book was used, the proceedings of the Providence Plantations and the colony of Providence Plantations—proceedings of both bodies—were entered indiscriminately in it, and it is not always clear in what capacity an act was done.¹⁰ The general business, to begin with, was hardly more than talk about lands where, during the winter months, few could settle. The people of the towns of Portsmouth and Newport maintained their town governments. They had chosen and sent their representatives to the Assembly of the chartered government and been joined to it. "The Commissioners," as Coddington stated, "had joined them in the same charter." Yet Coddington assumed to sit in a court of his own, which was elected by a limited few, who were by him made his freemen or electors upon pledging themselves to sustain him. This he asserted as a superior court, making laws for the whole island and trying the cases brought into it. Although for many months without a sitting and its justice and legality denied by so formidable an opponent as Clark at Newport and Gorton at Portsmouth, and with them a large majority of the whole island people, he so maintained what he called "government" as to hold back from the chartered Assembly the business of these towns. Very little general business for the charter government arose until after Coddington's leaders joined it, and then in drawing the numerous bills of indictment against Coddington.

On April 14th¹ a court was held by the Deputies or Commissioners,² and on the 19th of the same month a number of the "free inhabitants" were granted twenty-five acres each of land, they subscribing with its acceptance their "obedience to the authority of King and Parliament established in the colony according to our charter."³ In the records "Town" gave place to "The Plantation," and English law under authority of King and Parliament superseded "arbitration." An order was issued from one of "said Courts" on the August 4th following,⁴ and "warrants" commanding attendance at their court were issued by the Chief-officer Williams in the name of the King and Parliament; the warrants served by their Sergeant. The form of government now, with an Executive head and his Assistants, and its Courts and its Attendants, differed materially from the former one. It was the long desired authority and judicial order for the people.⁵

⁸Letter of Aug. 9, 1645, from the Assembly of the Colony of Prov. Plantations, Mass. Arch., ii, 6, post p.

⁹Williams' letter, R. I. Rec., i, 458. Williams' letter, 1st Mass. Collec., i, 278.

¹⁰Early Prov. Rec., xv, 5, 7, 9, 27, etc.

¹Apr. 14, 1644.

²Early Rec., ii, 6.

³Early Rec., ii, 29.

⁴Early Rec., xv, 7. ⁵Early Recds. of Prov., xv, 9. Chronological Construction, Lands of R. I., 84. If what we have of the records of the beginning

Cannonicus and the other Narragansett Sachems had, since the grants they had made to Greene and to Gorton, again exercised their right which Massachusetts had forbidden them of disposing of their lands, and had granted a still larger tract outside of Providence to Williams. This land was situated about where later the town of Wickford was built. It was free from conquest or other rights than those of the Narragansetts and of the English government granted in the charter. Williams, to be freed from the annoyances of the Pawtuxans, now sought relief here, erected a Trading House and took up his abode on it.⁶ Although the course of Harris or the Pawtuxet claimants was yet far from ended, this rout of Williams from Providence was the last rout of any prominence they effected, for with the charter a little more stable order was established.⁷

An Assembly of the government of the Providence Plantations was held at Portsmouth in May of this year, 1645, against which a riotous demonstration was made by its opponents, they also breaking into the houses of Gorton and others, destroying their writings and carrying off the volumes in which the laws were printed.⁸ At this session a movement was made for apportioning some of the lands of the late grant among settlers. Preparations were also made for returning home by some of the Shawomet people; but all of this was cut short by a burst of opposition from Plymouth and Massachusetts, who were at rivalry for the territory. Brown of Plymouth had, on April 13th, been dispatched by the Plymouth Court⁹ to look after their interests. He "found them assembled in a meeting house granting land and such awful things," and he, in the name of Plymouth, forbade both the exercise of government under the charter and the distribution of the land. The Massachusetts Court also forbade the officers and Commissioners of the new government to exercise any authority under the charter or to distribute the land, or anyone to settle at Shawomet; and directed their Commissioner, Benedict Arnold, to remove any who should settle there.¹⁰ "Massachusetts claimed the Sachems' last grant by various rights, among them that of conquest from the Pequots;" so the Commissioners were dissuaded from allotting any land to the settlers for the present or until the matter could be amicably composed; "though," says Williams, "I questioned not our rights, etc., yet I feared it would be inexpedient and offensive and procreative of their heats and fires, and the dishonoring of the King's Majesty."¹¹

Coddington and Brenton opposed the proceedings of the Assembly, although keeping aloof from it, apprehending danger from the people.²

The disturbances at Providence had increased since Gorton left there. The Pawtuxet claimants, after the departure of Gorton and Williams from among them, became more defiant. On June 5th, 1645, the people of Providence were, upon complaint of William Arnold, served with Massachusetts attachments upon their lands.³ Gorton says: "They ceased not to send out their warrants amongst us," and again a number

of the government of the Providence Plantations were all together in order in one volume the organization and working order of the charter government would be in them clearly apparent. The government was not dependent on Coddington and his Elders joining it.

⁶Williams' letter, Nar. Club, vi, 333-351, R. I. H. Tr., xiv, 57 note. Williams had been living there some time when Arnold visited him there in June, 1645. Mass. Rec.

⁷"We lived in no order but rout as Harris' beasts, as he calls all who cross him, until God was pleased to help me to procure a charter." Williams' letter, R. I. H. Tr. 14.

⁸R. I. Collec., ii, 80.

⁹Ply. Rec., 2d Winthrop, ii, 270.

¹⁰Mass. Rec., ii, 117.

¹¹Williams, Nar. Club, vi, 333-351.

Hist. R. I., i, 160.

²Force's iv, Tr. 6, p. 98.

³Simp. Def., Staples'

of the people were summoned to Boston for trial;⁴ and the few abandoned, unfinished houses and the lands at Shawomet were applied for and occupied by Massachusetts subjects. War was begun against the Narragansetts and white colonists, neither of whom had raised an arm either of aggression or resistance.

On June 18th a company of forty armed men was sent by the Massachusetts Court to join their ally Uncas, the Mohegan Chief, against the Narragansetts.⁵ Meantime messengers were sent by the court to the Narragansetts to exact terms from them.⁶

On June 28th a "meeting extraordinary" of the Commissioners of the United Colonies, in response to a call from the Massachusetts Court,⁷ began at Boston. This court continued five weeks in session.⁸ The war against the Narragansetts having begun,⁹ requiring speedy course, it was agreed to take that first into consideration. The action of the Massachusetts Commissioners in having, without the previous consent of all the United Commissioners, sent the soldiers against the Narragansetts caused much sharp discussion.¹⁰ The Commissioners now met ordered the messengers, Sergeant John Davis, Benedict Arnold and Francis Smith, to secure the attendance of Cannonicus, Pessicus and other Narragansett Sachems at Boston and to inform them, in case they refused to come, that soldiers had been sent against them,¹ but that war should cease during negotiations.²

The Sachems received the messengers with great suspicion, vowed that Arnold, who acted as interpreter, had in his former meetings with them misrepresented them and had threatened them with the accomplished act, the death of Miantinomi, their Chief, for selling land to the proscribed people. Although the Sachems showed surprising composure in refraining from violence, three of them stood behind Arnold with raised hatchets while he was speaking.³ The messengers, fearing danger and not hoping of better success at present, departed. They stopped that night at the Trading House of either Smith or Williams.⁴ Before leaving, they had an interview with Williams and received from him a letter to the United Commissioners; they then proceeded to Arnold's house at Providence or Pawtuxet, where they received a report of other threatening behavior of the Narragansetts from Arnold's family.⁵ And they returned to the court at Boston with Williams' letter, a report of what they heard and had done, and of the rude usage they received from the Sachems; whereupon a Declaration of War against the Narragansetts was made and the reasons for it were ordered to be published.⁶ Another company of soldiers was despatched to the aid of the Mohegan Chief with all expedition, and the rest of the forces from Massachusetts and Plymouth were ordered to join them at Seekonk on the eastern bounds of Mooshasuck, to enter the Narragansett country. Three hundred troops were ordered to be raised to be sent forth by the 22d of August at the furthest; and the officers were appointed and assigned to the command of them. A fleet of barks and other vessels, an additional force as seamen and mariners and ammunition and provisions were provided; works for defense were ordered to be constructed, and soldiers advanced to Shawomet to build a fort upon it.⁷

Ed. 167. ⁵Mass. Rec., iii, 39, 40, 42. Hutchinson's Papers, i, 167.

⁶Hutchinson, i, 161.

⁷Mass. Rec., iii, 29. June 18, 1645.

⁸Hutchinson, i, 153-155.

⁹Hutchinson, i, 154.

¹⁰Hutchinson, i, 167.

¹Acts Commissioners United Colonies, i, 32, 33.

²Hutchinson, i, 161.

³Acts Com. United Cols., i, 54.

⁴Hutchinson, i, 154, 162.

⁵Hutchinson, i, 162.

⁶Hutchinson, i, 155, 164.

⁷Acts Com.

United Cols., i, 34-36, 37, 39. Mass. Rec., ii, 72; iii, 40, 41. Fuller's Hist.

The letter conveyed by the messengers to the Court of the United Commissioners, from Williams, informed them that a treaty of neutrality was entered into between the Narragansetts and the government of the Providence Plantations.⁹

CHAPTER VIII.

The August 9, 1645, Assembly of the Government of the Providence Plantations at Newport—Letter from the Assembly to Massachusetts—Their desire for civil government to preserve their lives and liberties caused them to procure a charter—The Earl of Warwick recognizes and approves the organization of the government under the charter—Those in the government dare not yield themselves delinquent to answer at Massachusetts court—The government to employ messengers to prosecute the cause of the Providence Plantations before the government of England—Massachusetts claims to possess a prior charter for the Narragansett territory—Gorton chosen by the Assembly their Commissioner to England—Troops march against the Indians and Whites of the Providence Plantations—Gorton, about August 16, 1645, departs on his mission—Plymouth's forces opposite Providence—Army delayed while messengers are again sent to treat with the Narragansetts—The Narragansetts send for Williams and Wickes to council with them—The conditions of peace with Massachusetts signed—The official notice, August 27, 1645, of the alleged patent for the Narragansett lands sent by Massachusetts to the Providence government.

Early in August and during the sessions of the Court of United Commissioners at Boston an Assembly of the government of the Providence Plantations was held at Newport. During the latter's sessions Brown visited the island, urging the claims of Plymouth and forbidding the government to proceed. Here he remained some time, Gorton says, visiting the people of Newport at their houses, forbidding them to yield obedience to the charter.² Brown met Gorton here, who was an officer of the chartered government, and, Winslow says, still held the office of local Magistrate on the island.¹⁰ The Massachusetts Court also again served an order on the members of this Assembly, forbidding them to exercise any government, either in Pawtuxet or Providence, which, Winthrop says, they, from fear, did not disregard entirely. Their deliberations regarding it and why they would not yield to it are given in a letter written by Williams, subscribed to by the Secretary, on August 9th, 1645, and addressed to the Massachusetts Court. The letter, after acknowledging the receipt of the Massachusetts letter, prays for "honorable attention" to the following:

"A civil government we honor and desire to live in for all those good ends, which are attainable thereby, both of public and private nature. This desire caused us humbly to sue for a charter from our mother State and government; but as we believe your consciences are persuaded to govern our souls, as well as our bodies, and, yourselves will say, we have *cause* to endeavor to preserve our souls and liberties, which your consciences must necessarily deprive us of, and either cause greater distractions and molestations to yourselves and us at home, or cause our further removal and miseries, we cannot but wonder, that being now found in a posture of government from the same authority, unto which you and we equally subject, you should desire us to forbear the exercise of such a government, without an express from that authority directed to us.

Warwick, 25. Hazard's Collec., ii, 27-51.

⁹Hutchinson, i, 146, 154.

¹⁰R. I. Collec., ii, 167, 168. 2d Winthrop, ii, 270, 308. Force's iv Tr., 6, p. 98.

¹¹Winslow, 83. Arnold, i, 160. Gorton, Staples' Ed.

¹²The 6th month

"And we the rather wonder because our charter as it was first granted and first established, so it was also expressly signified unto you all in a letter from divers Lords and Commons, at the sending out of our charter, out of a loving respect both to yourselves and us.

"Besides, you may please to be informed that His Excellency, the Lord Admiral, hath lately divers times been pleased to own us under the notion of Providence Plantations, and that he hath signified unto us (as we can show you in writing) the desire of Plymouth to infringe our charter, but his own favorite resolution not only to maintain our charter to his uttermost power, but also to gratify us with any favors, etc. In all of which respects we see not how we may dare to yield ourselves delinquents and liable to answer in your court, nay, as your writing seems to import, why we cast not away such noble favors and grace unto us. It is true that divers amongst us express their desire of composing this controversy between yourselves and us, but considering that we have not only received a challenge from yourselves, but also from Mr. Fenwick and also from Plymouth and also from some in the name of the Lord Marquis Hamilton (all of which claims we never heard until the arrival of our charter), we judge it necessary to employ our messengers and agents unto the head and fountain of all these streams and there humbly to prostrate ourselves and cause for a final sentence and determination—and this we are immediately preparing to do without any secret reservations or delays, not doubting but yourselves will feel satisfied with this our course. And in the interim, although you have not been pleased to admit us unto considerations of what concerns the whole country, as you have others of our countrymen, yet we cannot but humbly profess our readiness to attend to all such friendly and neighborly courses, and ever rest you assured in all services of love.

"HENRY WALTON, Secretary.

"The Colony of Providence Plantations,

Assembled at Newport, 9th, 6th Mo., 1645.¹

"To the Right Woshpls and their much Houn'd Friends and Contrymen, The General Court of the Massachusetts Colonie assembled at Boston."

This letter from this Assembly was sent to Winthrop by Williams. He "never," he says, "received the least reply."²

Gorton, Holden and Greene were employed by the Assembly as the messengers and agents to the home government to present the cause of the Providence government and the people for a determination.

The reasons for the war were published by the United Colonies on August 11th at Boston; and word was sent by the Massachusetts officers to the officers of the Providence Plantations, who were probably yet in Assembly, that if they should stand as neutrals and not go out in the work with them they would make plunder of them.

The first company of Plymouth troops left Plymouth on August 15th.³ The officers in command were commissioned "sole judges of the necessity of the expedition," to "have power to use and execute" fine, corporal punishment and capital punishment, and to seize both Indian and White suspects, which latter were the adherents to the chartered government, the leaders of the liberal or majority party of the Providence Plantations, and to bring them to Boston.⁴

was August, old style. The Secretary's name was first printed Watson, but in the original document it is plainly Walton. Mass. Arch., ii, 6. Proc. Mass. Hist. Soc., June, 1862. "Remarks on the Narragansett Patent" published by Sidney S. Rider, Providence. ²Williams, 4th Mass. Collec., vii, 627.

¹Ply. Rec., ii, 90.

³Acts Com. United Cols., i, 37-40.

⁴Gorton's

Gorton departed immediately without doubt following this and the close of the Assembly sessions. The condition was insufferable. The pass had been reached where it was impossible to proceed further in carrying on the government without further aid from the mother country, or for the people longer without such aid to recover or maintain their possessions, to save their lives, or at least to save themselves from being taken as heretics or suspects for discipline and punishment to Boston. Gorton went to England only as a last resort in the extremity of necessity, as the recent Assembly's letter to the Massachusetts Court expressed, "to preserve the souls and liberties" of the people in this emergency. The two other Agents and Commissioners of the chartered government, Holden and Greene, went with him. They, too, as in Williams' case, were not allowed to enter the Massachusetts Colony to take ship from Boston, and so were forced, like him, to travel for this purpose to New York, that is, Manhattan.⁵

After their departure, the Plymouth forces under Capt. Standish rendezvoused at Seekonk, upon the river opposite Providence. While here encamped with his troops before the Massachusetts forces came, Standish, observing that some of Providence received the Narragansetts into their houses familiarly, he demanded of them to lay aside their neutrality and declare which side they were on. Gorton, in his plea to the English government, stated as dispatched to him, that Standish summoned the Providence Plantations to renounce the neutrality and declare themselves to be either on his side or enemies.⁶

The Massachusetts army was delayed by considerations of the magnitude and expense of such a war, her accountability to the English government, the protests of the Providence Plantations and many of the Massachusetts people.⁷ This resulted in having, on August 18th, another committee, consisting of Capt. Harding and Mr. Wilbour, with Benedict Arnold again as interpreter (all of them paid subjects of Massachusetts, although not residents there), appointed to visit the Narragansetts to treat with them.⁸ The Narragansetts this time refused to council with the committee unless they dispensed with the services of Benedict Arnold, accusing him as before of being their enemy and of misrepresenting them.⁹ Arnold also, fearing, refused to go without an armed guard of a hundred men. The Narragansetts sent for Williams and Wickes, the latter one of those formerly chosen by the Narragansetts their Commissioners to make known their submission deed and grievances to England, to come and council with them.

The Narragansetts, having honorably abided by their agreement and refrained from making their threatened avenging war,¹⁰ until every vantage ground was acquired by the United Colonies, and considering that as the allied armies of these colonies and the Mohegans had or were about to invade Providence and Warwick to seize both Indian and white suspects, the impending war if continued would, as intended by those who waged it, destroy the refugee settlements and sacrifice the lives of many of these white people; as a matter of prudence, as well as from faith in the Royal protection and eventual righting of "what wrong is or may be done," after the matter was laid before Parliament by the colonies' messengers, Williams counseled the Narra-

departure was about Aug. 16, 1645. He wrote his "Incorruptible Key" after he in 1644 returned to and before his departure from the island; published in London and printed on its title, "Penned in Rhode Island."⁵ Gorton's Defense, 93. Winslow's Defense, 85. ⁶Mass. Rec., iii, 30. ⁷Mass. Rec., ii, 122-125. Acts Com. United Cols., i, 41, 42. ⁸Acts Com. United Cols., i, 42, 43. R. I. Collec., ii, 265. ⁹3d Mass. Collec., i, 8. ¹⁰Ante pagina.

gansetts to accept, at a present sacrifice, the hard terms of peace that the United Colonies offered them.

The Narragansetts, although now a strong nation, moved by their love for these men and confiding in the belief that the English government would right the wrong and enforce the redress which was the condition of their submission and cession, when this should be fully presented to it, accepted the advice of their councillors and consented to what was a disastrous agreement, making of their nation a tributary people. The treaty, which bound them to unjust and almost impossible obligations and conditions of peace, required four of the Indian children, which were delivered to the Magistrates as hostages for their fidelity, was concluded at Boston the 27th day of August, 1645.¹

The letter following, giving some of the particulars of the present settling of these difficulties, was on November 20th sent to Gorton's destination in England:

"We are all in health at this present and cheerful [the great want is your company], though men generally more invective than ever. The Bay had provided an army to go against the Narragansetts had they not been prevented in the very interim thus: Capt. Harding informed the court of the difficulty of the enterprise, upon which the court employed him and Mr. Wilbour to go to the Narragansetts and take Benedict Arnold to interpret. When they came to Benedict, he refused to go without a hundred men in arms, only to possess them with danger to effect his bloody plot; upon which Mr. Williams being sent for to Narragansett, and also myself, to inquire of us what the minds of these mad people were to kill men for nothing, I went to Providence athinking to go with Master Williams; but when I came there he was gone with the Captain and Mr. Wilbour upon Benedict's refusal. I staid their return, and their agreement was to have Pessicus go into the Bay, and Master Williams was necessitated to put himself hostess until his return. The news coming into the Bay did so vex the ministers that Mr. Cotton preached upon it, that it being so wicked an act to take Master Williams with them, being one cast out of the church. It was all one as to take counsel of a witch, and that those who did it were worthy to die; upon which Mr. Wilbour was ready to die for fear he would be hanged. So then the Indians went down and they compelled them to cease war with Uncas and to pay them five hundred pounds for charges of court and provisions for soldiers, and to leave four of their Chiefs' children till the money be paid, and to leave four of their chief men till the children came; and to promise them not to sell any land without their consent. This being done, they came home again and sent a man to tell me what was done, telling me that if the Lord in England help them not they are like to suffer at present; but still they say they are not afraid of them, but only give them their demands rather than to war before the Lord hear of it, that all may see they mean no hurt to English, but will submit to the laws of England; concluding it is but lent, it will come home with advantage both to their wisdom and profit. Pessicus hath been often with me to desire me to inform you of these things. With great desire to see you again, your ever loving friend J. W., Nov. 20, 1645."²

The Narragansetts, now prevented from protecting Williams and his friends of the Providence Plantations against Massachusetts, as they were disposed to do upon occasion, the Massachusetts Court, before the close of the day on which the treaty was signed and they obtained

¹Acts. United Coms., i, 44, 49. Drake's Book of the Indians.

²R. I. Collec., ii, 170-172. ³"Then Chief-officer of the Colony," Williams,

the hostages, on August 27th, 1645, sent to Williams as the Chief-officer³ of the new government an official notice of their possession of what they called a patent for the lands of the Narragansetts, "wherein Providence and the island of Aquidneck are included."⁴ The paper they called a patent bore the date of December 10th, 1643, which was more than three months prior to the date of the charter obtained by Williams; nearly one and three-quarter years before the present official assertion and brandishment of it as a charter over the Providence Plantations.⁵

CHAPTER IX.

The mortgages and deeds secured by the Athertons, Arnolds and other Massachusetts subjects for Narragansett, Shawomet and Providence lands—Providence Plantations people subscribe to their chartered government—It grants them lands—The Massachusetts court meets October 1, 1645, and grants Shawamet lands to their subjects—Brown, a Plymouth subject, forbids the Massachusetts subjects to settle on it—Captain Cook sent to England to aid other agents there defend Massachusetts' actions—Vassal's religious toleration movement extends to Massachusetts—Gorton's departure from Manhattan—He, in January, 1645-6, reaches England—His complaint to the Parliament Commissioners.

The Narragansetts were not long able to endure the imposed penalty and forfeits, and Major Atherton of Massachusetts and other astute Commissioners of the United Colonies, who had organized for the purchase of Indians lands, "assisted them," and received therefore a mortgage and deed of the great tract designated "the Atherton purchase."⁶

Those charged with the government of the Providence Plantations did not, however, "yield themselves delinquent to Massachusetts." Williams replied to the Massachusetts Court, to Winthrop, he says, in words "he believed weighty and righteous;" and they continued to hold their Assemblies and granted to the landless inhabitants many of the unoccupied acres, the people almost unanimously subscribing to and "agreeing to yield obedience to the authority established in the colony according to the charter."⁷

The Massachusetts Court met on the first of October. During its sessions the Shawomet lands were again applied for by its subjects and ten thousand acres of it granted to twenty families who, under Benedict Arnold, attempted to possess themselves of the property.⁸

During this October William Arnold placed on record in Boston a deed for the Shawomet lands, from the sub-Sachem Socononico to William Arnold, Robert Cole and William Carpenter, who all had subjected themselves to Massachusetts; it bearing the date of January 30th, 1641, antedating the original deed of January 12th, 1642, for Shawomet which Gorton obtained from the Chief Sachem Miantinomi.

During the same year Benedict Arnold placed on record in Boston a deed for the Shawomet lands as far as the Pawtuxet river extended, from the subjected sub-Sachem to himself, a subject of Massachusetts. It was dated 1644.

Also in same year William Arnold procured and placed on record in Boston a deed for the Meshanticut land, which was the southern

⁴th Mass. Collec., vii, 627.

^{133.} R. I. Collec., iii, 161.

letter.

³R. I. Collec., v, 60.

^{1645-6.} Early Rec., Prov. R. I. H. Tr., 14, p. 36 note.

⁴R. I. Rec., i, 133.

⁵R. I. Rec., ii, 128.

⁶R. I. Rec., i,

⁷Williams'

⁸Mass. Rec., ii,

60, Jan. 19,

portion of Providence, from the subjected sub-Sachem to himself. All these deeds were secretly obtained and secretly taken with the sub-Sachems to Boston and there recorded. They were never recorded in Providence. The purpose of the Arnolds being to throw the Colonies' lands under the jurisdiction of Massachusetts, when these deeds to them would be effective."

Brown of Plymouth, who had remained long upon the island visiting the people and had been convinced of the justice of Gorton's cause while tarrying there, proceeded thence to Shawomet, where the Massachusetts subjects had gone to view for settlement, and forbade them in the name of Plymouth, declaring that the land belonged to Gorton. This being reported to the court, it sent a messenger to Plymouth to inquire if they approved this.¹ This court ordered that Richard Saltonstall and Capt. Cook should be joined with Mr. Pocock (a man of eminent ability and influence with the English government, who had lately been engaged by Massachusetts with the other Commissioners in England for Massachusetts) in negotiating for them before the Right Honorable the Earl of Warwick and the rest of the Commissioners of Plantations, etc., or before the high court of Parliament, if occasion required, concerning the two late grants or charters for the government or jurisdiction of lands adjoining to Narragansett Bay.² If it were the younger Saltonstall, he did not leave for some time after.³ Sr. Richard Saltonstall, who was in England and had in 1632 ably defended Governor Endicott of Massachusetts before the King's Council, was of but little present service to Massachusetts, he having experienced changed convictions regarding the justice of what he had defended and might be called upon to defend. From England he wrote: "To Mr. Cotton and Mr. Wilson, preachers to the church which is at Boston in New England: It doth not a little grieve my spirit to hear what sad things are reported daily of your tyranny and persecution in New England."⁴ Capt. Cook, who had victoriously led the troops in the early assault upon the settlers of Providence and Shawomet, had, in one of the later invasions of Providence and Shawomet under his command, been himself, with some of his company, captured, but probably now had been released. He soon made his departure.

A petition, the petitioners led by William Vassall of Scituate, Plymouth, for the government to allow and maintain full and free toleration of religion to all men who would preserve the civil peace and submit unto government, which had been signed by a large share of the people of Plymouth and had fruitlessly been presented to the government there, was, through the added efforts of Dr. Robert Childs at Boston, signed by many of the most influential and presented to the Deputies or Representatives of the people in the government of Massachusetts without any better success. It will be remembered that upon an earlier movement and introduction of a resolution regarding it the Plymouth Governor, Prence, would not allow a vote.⁵ After the failure of the Massachusetts Deputies to effect anything for the petitioners, the petition was presented to the Massachusetts court and then to the home government, entreating that His Majesty clear the government of the colonies of the distinction between church and civil state and the transactions of those that govern.⁶

128, 129; iii, 49. Arnold's Hist., i, 191.

²The Lands of R. Island, Preliminary note and pp. 60-112, 160, 218, 219, 229, etc. Suffolk Records, Boston Book, i, Doc. 63.

¹2d Winthrop, ii, 308.

²Mass. Rec., iii, 48.

³Mass. Rec., iii, 171, Oct. 18, 1649.

⁴Hutchinson's Papers, ii, 127. Loyalists of America, by Egerton Ryerson, D.D., LL.D., i, 117-122.

⁵Ante pagina.

⁶2d Winthrop, ii, 319, 347. Hutchinson's Papers, i,

Peters and Weld, who were upon Williams' outstripping them for a charter ordered by the Massachusetts Court to return and give a particular account of their work at home, however, remained there, and other writings about the cause of the colony of Massachusetts were sent to them.

Gorton had to wait some time at Manhattan for transportation, and then he could secure passage only to Holland, where he again lay awaiting passage into England. When upon arriving, the Massachusetts agents who had so long preceded him had their story widely promulgated and had secured the placing of themselves and such chief men of England as were their friends upon the committees to which the business was referred; an obstacle to the forwarding of the business or to any just hearing that could be removed only by much work and almost the wearing out of the weaker party with expense and long waiting.¹

The King, with his tired troops, was a fugitive among the mountains of Scotland; and, although he held Oxford, a tree was oftener the canopy of State under which he held council.

Gorton's intimacy with his excellent and potent friend, the Earl of Warwick, President of the Board of Parliament Commissioners, and his access to the records of the Board's proceedings, were quick assurances to him that no patent for the Narragansett country had been granted to Massachusetts. What they had reported as one was but the draft of one which was without [the Massachusetts agents, Weld and Peters, having failed to secure them] the majority of the signatures of the Parliament Commissioners. The Massachusetts agents being defeated in the strife for a patent by Williams, had sent their incomplete, unpassed, unregistered, worthless paper to Massachusetts as an evidence of their, although defeated, yet earnest endeavors.² Yet, undismayed and still trying to throw off the blame put upon them by Massachusetts, they were now diligently laboring to have the patent to Williams recalled and their embryo-patent perfected. In Gorton's first work there, he says, he met "both ministers and Magistrates and others," of Massachusetts, "pleading their cause that the said charter might be authentic, which would have happened if Warwick men had not opposed it."³

Weld and Peters were able and serviceable men to Massachusetts and formidable opponents to Gorton and the Providence Plantations. Weld was one of the Synod who found and "confuted" the eighty-two "Wheelright errors," and was the editor of *Rise, Reign and Ruin*, a volume of preposterous stories, believed to have been compiled by Winthrop, of the horrible freaks of the dissenters he styled "antinomians,"⁴ a book widely distributed and read and believed by many in New England and England, prejudicing them against dissenters such as Williams, Hutchinson and the rest of the Providence Plantation people.⁵

Peters, too, was an assiduous and successful laborer for Massachusetts and a man of great influence with Cromwell. He took an active part in the transactions of the Commonwealth and became Cromwell's favorite Chaplain and Counsellor. He possessed a spirit of unconquerable energy and perseverance, was fervid and impressive in his eloquence, popular as an orator, and of great courage. He preached before the court that tried the King Charles the First, urging his condemnation, and after the sentence (according to the fashion in England) before the

205, 222. Mass. Rec., iii, 90, Nov. 4, 1646.

¹R. I. Collec., ii, 228.

²Ante and post p., Proc. Mass. Hist. Soc., 1862, Aspinwall's Remarks on the Narragansett patent.

³R. I. Rec., ii, 80.

⁴First published in 1644 with Weld's "Preface" and "Some Additions." 2d Winthrop, i, 284, 293, 310, 314; ii, 30, 92, 164, 260. Ellis' Annie Hutchinson, 301.

⁵Arnold's

execution preached the funeral sermon to the King, a terrible denunciation.² This glimpse at the formidable character of the men and measures of Massachusetts reveals but faintly a few of the obstacles against which it was Gorton's heroic task to contend.

The Complaint or Memorial of the Providence Plantations to the Parliament Commissioners was set forth in a paper written by Gorton dated January 16th, 1645-6, prepared doubtless during his voyage. It told of the wrongs inflicted upon the people of these plantations, their removal from their houses and lawfully purchased possessions, the trials for error in their religious opinions, the usurpations by the Colonies of power not granted in their charters, and their tyrannical use of it upon them, and their banishment, not only from the territory granted to them in their charter, but from all the land purchased by themselves of Miantinoini beyond their limits, of Massachusetts and Plymouth claims and their jointly violating and obstructing the charter granted to Williams, and the commands of Massachusetts and of Plymouth that they refrain from exercising any authority of the government they had organized under the charter and in which themselves were officers. It recounted the wrong done to the Narragansett nation, and set forth their act of submission and cession to the English government of all their dominion; the proceedings of Massachusetts and Plymouth against the Narragansetts to take the country they had ceded to England, and which fell within the compass of the charter granted to Williams, by destroying them with the sword. It also stated that word had been sent to Providence that if they should stand as neutrals in the war and not go out with them in the work they would make plunder of them.

CHAPTER X.

The King's flight, April 27, 1646, from Oxford—Gorton publishes his complaint and the Narragansett Indians' submission and cession—The falsity of Massachusetts' claim of a patent for Narragansett exposed by the President of the Parliament Commission in open session—Parliament Commissioners' mandate to Massachusetts confirming their grant to Williams and commanding observance and obedience—The wisdom and moderation of Gorton's petition commended—The Massachusetts English agent, Peters, sends for the Governor of Massachusetts to come over and assist in overturning what Gorton had accomplished—Coddington renders Massachusetts and Peters great assistance—Coddington's letter to Winthrop—He denies the freedom of the island to his opponents—Representatives of mainland and inland towns had joined the government of the Williams charter—Coddington still with his briefless court; derides liberty of conscience; sends records and papers to Massachusetts for their English agents' use against the chartered government—Winslow sent by Massachusetts to England to assist Peters and others and to reply to Gorton—Mather terms Winslow an Hercules—His pre-eminent abilities—His other equipments—Favorable conditions for Massachusetts—A printing press at Cambridge, Mass.—A plethora of Massachusetts books and writings—Winslow has a day appointed for an audience before the Parliament Commissioners.

The absence of the King, his flight from Oxford on the 26th of April, 1646,³ preventing communication with him, Gorton published the Act of the Narragansetts and the principal matter of his complaint in a

Hist. R. I., i, 62-65. Palfrey's Hist. N. E., i, 495, 496 notes. ²3d Mass. Collec., ix, 286. Barry's Mass., i, 207. Ryerson's Loyalists of America, i, 85, 125. Echard's Hist. Eng., 3d London Ed., Book i, 778, Charles First, Book iii, 656.

³Disrael's Life of Charles First, ii, 391-443.

⁴Force's tract 6, Vol. iv.

volume entitled "Simplicity's Defense Against Seven Headed Policy," from London, August 3d, 1646.⁴

Gorton's petition contained no plea for redress for losses nor for injuries done him or anyone, but that the Massachusetts Magistrates be restrained from exercising authority beyond their chartered jurisdiction, and that the rights of the natives and the natural and chartered rights of the people of the Providence Plantations be regarded, and they be restored to their lands and houses under them.⁵

At a full meeting of the Parliament Commissioners of Plantations, to whom Gorton's memorial was addressed, the Lord High Admiral, the Earl of Warwick, informed Gorton in open board that he knew of no other charter for these parts than that Mr. Williams had obtained, and he was sure that charter Massachusetts pretended had never passed the table.⁶ There was no registry of any such paper, and an examination of it disclosed that its date, December 10th, 1643, was a Sunday when Gorton was languishing in Massachusetts in irons. It had not the names to it of a majority of the Parliament Commissioners, which was necessary for it to pass, if they were genuine signatures.⁷

A mandate was drawn up by the Parliament Commissioners to the government of Massachusetts which silenced its profession to any other late charter than that to Williams, affirming this grant and to its provisions commanding the Massachusetts Magistrates' obedience. A copy of the complaint and petition was enclosed with the mandate of the Commissioners, dated May 15th, 1646, to Massachusetts, viz.: "To suffer the petitioners and all others, late inhabitants of Narragansett Bay, freely and quietly to live and plant upon Shawomet and all other lands included in the patent lately granted to them *without extending your jurisdiction to any part therein*, or otherwise disquieting their consciences or civil peace, or interrupting them in their possession, until we have received your answer to their claims in point of title and you shall have received our further orders therein.

The Parliament Commissioners also commended the wisdom and moderation of the petitioners. They say: "*You may take notice that we found the petitioners' aim and desire in the result of it was not so much a reparation for what had passed as a setting their habitation for the future under that government by a charter of civil incorporation, which was heretofore granted them by ourselves.*" The Narragansett Bay was divers years inhabited by those of Providence, Portsmouth and Newport who are interested in the complaint, and that the same is wholly without the bounds of the Massachusetts patent." And they required the trespassers to remove any persons who had taken possession of Shawomet lands by their authority, and permit the petitioners to pass through their territory without molestation to their own homes.⁸ This was signed by the Lord High Admiral, the Earl of Warwick, the President of the Board of Parliament Commissioners, and by a majority of the other members.⁹ Capt. Cook was not allowed to return to New England. He joined Cromwell's army, and in 1652 met his death in the campaign in Ireland.

Randall Holden, who went to England with Gorton, was made the bearer of the mandate of the Parliament Commissioners to Massachu-

R. I. Collec., ii, 59, 60, 234, 235.

Collec., ii, 195. Letter from Warwick, 228.

⁴Lord's and Commons' letter in R. I.

table nor registered." R. I. Rec., ii, 161, 162. R. I. Collec., iii, 161, 162.

⁵2d Mass. Collec., vii, 104. Col. Aspinwall, Mass. Hist. Soc. Proc., 1862. Narragansett Patent, Sidney S. Rider, Prov., "No such thing upon record in any court in Eng; had searched the records." Brenton. "Theirs there, but not ours."

Hutchinson, Mass. Arch., ii, 26.

⁶R. I. Rec., i, 365-369. R. I. Collec.,

195, 228.

⁹Among the signers was Mr. Fenwick, the grantee, in an

setts and the glad news to the Providence Plantations. He arrived at Boston on September 13th, 1646. He brought with him also a passport of same date from the Lord High Admiral and nine other of the Commissioners, directed to the government and Magistrates of Massachusetts, in it repeating their order and further requiring that Samuel Gorton and his company might land at any port in New England and "pass without any of your let or molestations through any part of the continent of America within your jurisdiction to the said tract of land. Hereof you may not fail and this shall be your warrant." Gorton remained in England upon the further business requiring him.

A report of the complaint and petition made by Gorton had been received in Massachusetts long before the official copy enclosed with the mandate was received, and other papers about the case were sent by the Massachusetts Court to Peters and Wild, their agents in England; but in November the Massachusetts Court received word from Peters that the writings which were sent over last were not sufficient, and for the Governor to come over and assist them;¹⁰ but it was feared that if the Governor went he would be detained there, and so it was resolved to send another and also to send new writings to strengthen their position.

Coddington, as he says, "to further that end," engaged in serving them with material for amplifying their writings against Gorton and the Providence Plantations, craftily preparing for Massachusetts "The Sum of the Presentment," as he called it, against Gorton, and secretly entertaining at his home upon the island Massachusetts emissaries whom he despatched in the morning early. He writes to Governor Winthrop on November 11th the following: "I thought meet to inform you that your son, Mr. John and all his departed from our island on the 3d day in the morning early; the wind not being good to clear them further than Block Island, but on the 4th day in the morning it was very good, so that I doubt not they are all safely arrived before the storm began; by whom I received your letter of the 21st of October. For Gorton and his company they are to me as they ever have been, their freedom of the island is denied and was when I accepted the place I now have. The Commissioners have joined them in the same charter, though we maintain the government as before. To further that end you wrote of, I sent to Mr. Cotton to be delivered to Mr. Elliot, that requested it, what was entered upon the records, under the Secretary's hand; which I do think you may do well to make use of, because I hear it sinks most with the Earl, where they have liberty of conscience. Mr. Peters' writes in that you sent your son p'secute;¹¹ and so in haste not doubting as occasion serves, to approve myself yours ever, William Coddington."¹²

These passages from letters to Governor Winthrop exhibit the relation of Coddington to the Colony of Providence Plantations. He is the instrument employed by Massachusetts to defeat the union of the towns, by which alone they could hope to secure independence of her. He is employed by her agent to procure from the public records such extracts as might be made to appear objectionable to the honorable

old patent for which a claim had been made. Ante p. 92, 260, 332, 334.

¹⁰2d Winthrop, ii, 292, 299. ¹¹Thos. Peters of Saybrook, who was younger brother of Hugh Peters of Salem, one of the foreign agents of Mass., went to Eng. in 1646 and returned no more. Trumbull's Hist. Conn., i, 292, 299. Savage's Dict. 4th Mass. Collec., vii, 428 note.

And neither Hugh Peters nor Thomas Weld ever returned to New England. Coddington who soon joined them all there, writes of Hugh Peters: "I was merry with him and called him the Archbishop of Canterbury."

¹²Purposely to execute.

¹Mass.

Board of Commissioners for foreign plantations; and how serviceable he desires to be in this capacity he shows by insiduously calling particular attention to the act relating to liberty of conscience as likely to sink most with the Earl of Warwick, the President of the Board.⁴

The Massachusetts Court, upon receipt of the mandate and the call for help from Peters, addressed themselves unto Mr. Winslow to take another voyage for England, that he might thus procure their deliverance from the designs of many troublesome adversaries that were petitioning unto Parliament against them; and this *Hercules*, having been from his very early days accustomed unto the crushing of that kind of serpents, generously undertook another agency. He sailed from Boston the middle of December, 1646.⁵

Winslow was selected as the one pre-eminently qualified for the most important mission. He was accounted "the most able and earnest" advocate in the colonies. "A fit man," Winthrop said, "to be employed in our affairs in England, both in regard to his abilities of presence, speech, courage and understanding, as also being well known to the Commissioners." With portions of the Island's public records, and "The Sum of the Presentment against Gorton" supplied by Coddington,⁷ the "Book of News" by Winthrop,⁸ the writings of other Magistrates and ministers, an address from the Massachusetts Court charging almost everything against the heretics to justify the Magistrates' proceedings against them, and various captured papers copied "not verbatim only, but literatum,"⁹ he was the best all-round equipped and reinforced advocate that an opponent, "almost without friends," ever met and stood up against alone.¹⁰ Then, too, "the times had greatly changed" since the granting of the charter to Williams; now "the Puritans being in power in England, Mr. Winslow had great advantage in the business from the credit and esteem which he enjoyed with that party."¹¹

During the twenty years of Parliament and Commonwealth reign, 1640 to 1660, Massachusetts was the favorite of Cromwell. They enjoyed the favor that no other colony enjoyed or received, the commodities of all nations free of duty.¹² They had other advantages over the neighboring colonies. They had the exclusive control of the only

Arch. ⁴Dr. H. E. Turner, 1st R. I. H. Tr., No. 4. ⁵Cotton Mather's *Magnalia*, Book ii, ch. 1. 2d Winthrop, ii, 346, 359, 365, 387. Mass. Rec., ii, 161, 165. Gov. Haynes of Conn. went over probably as a colleague to Winslow in the same vessel with him, and remained as much as a year and a half in Eng. Palfrey's Hist. N. E., ii, 176 note. ⁶2d Winthrop, ii, 346.

⁷See Appendix. ⁸R. I. Collec., ii, 197, 198, 200. 4th Mass. Collec., vi, 181, 182. Ante p. The book of News contained a pretended copy of a letter of Williams to Winthrop, accusing Gorton of "bewitching" the people with his new and radical opinions, which probably originated at this time with Coddington's Presentment. It bears date Mar. 8, 1646, supposedly just before, but really after Gorton's departure for England. Gorton had been chosen and dispatched by Williams and all of his friends to sustain his charter. They were intense friends and coadjutors, and this pretended copy of Williams' letter for the Mass. magistrates' use against them and in England manifestly was an invention. No such letter in writing was ever found, and Winthrop seems to have preserved all of them. A printed copy of the printed pretended letter is among the Narragansett Club's edition of Williams' preserved letters. Dr. James' "A Forgotten Founder of Our Liberties," p. 35 note. ⁹R. I. Collec., ii, 105, 198, 200, 202.

Winslow's Hyp. Unmasked, Part First. Force's iv, Tr. 6, p. 53. ¹⁰The Gov. Winthrop, Mr. Tyng, Capt. Keayne and the Auditor General were appointed a Committee to see to the transcription of all such instruments for furnishing Mr. Winslow for affairs in Eng., to be delivered to him before he go on board. Mass. Rec., ii, 171. Mr. Tyng was one of those who with Capt. Cook were arrested when upon one of the after-marches upon Providence and Warwick. 4th Mass. Collec., vi, 280; vii, 284. ¹¹Winslow's Memorial Intd., p. 52.

¹²Ryerson's Loyalists of America, i, 85-89, 112, 178. Palfrey's Hist. N. E., ii, bk. 2, ch. x, p. 393. ¹³Ryerson's Loy. of Amer., i, 183. Hildreth's

printing press (that at Cambridge) in America for nearly twenty years, with licenses prohibiting the publication of any book or paper not approved by them.³ For want of a sufficient population it was not until 1709 that a printing press could be maintained in Providence or on the island.⁴ There was, as a consequence of these conditions, a plethora of only Massachusetts books and writings, many being printed and sent over to England.

Winthrop says that upon Winslow's arrival there he had a day appointed for audience before the Earl of Warwick and the Commissioners of Plantations, Gorton appearing in Rhode Island's (the Providence Plantations) defense.⁶ Although Winslow was, as Mather says, an "Hercules," and he also had "great advantages in the business" through his assistant Massachusetts agents and counsellors and official friends, Gorton unaided and almost alone, had the "herculean talk." Added to the Massachusetts array of influence and talent against him was the ingenious opposition that came from Coddington and the other opponents of the charter, the Arnolds. In but few instances did man ever defend a cause so successfully against such an avalanche of assailants and assaults, his assailants having such unfair advantage of him.⁶ The virulent book "Rise, Reign and Ruin of the Antinomians" was now extensively circulated and read in England. It cited instances of alleged monstrous births among the Providence people as proofs of their moral monstrosities and their disfavor with the Almighty, and intimated charges of witchcraft against them.⁷ Cotton's book "Bloody Tenets Washed" was also published at this time in London;⁸ and the "Book of News" with the address of the Massachusetts Court and the other before described writings to justify the proceedings against Gorton, together with the other material furnished by Coddington, had been printed and distributed, and were included by Winslow in his defense.

CHAPTER XI.

The hearing before the Parliament Commissioners—Winslow's and Gorton's requests—The Parliament Commissioners refuse all of Winslow's requests and grant all of Gorton's—Winslow proceeds to have the Providence charter called in—Winslow again defeated—The Providence charter to stand—Massachusetts commanded to not remove the people, but to assist and protect them—Gorton and Winslow correspondence—No further opposition from Winslow—Gorton leaves England for home.

Under these un auspicious prospects for Gorton the hearing before the Commissioners of Parliament was called on May 25th, 1647. Winslow, without evidence for the territorial claims made by Plymouth and Massachusetts, was constrained to principally rely for his success upon the common weapon against heretics; the calumny furnished him against the Providence agent and people; and Gorton's election as a Magistrate was mentioned by him as a catastrophe and evidence of the danger threatening the colonies from such men as he. Winslow's address was arranged in three parts. The first was Winthrop's News, adroitly edited and improved, and the Massachusetts Court's charges, urging the injurious results that would follow in respect to the Massachusetts attempts to convert the Indians, if Gorton and company should

United States, i, 456.
ii, 387.
298 notes.

³Greene's Hist. R. I., 129.
⁴Ryerson's Loy. Amer., i, 97, 138.
⁵Rider's Hist. Tr 17, pp. 14, 15.

⁶2d Winthrop,
⁷2d Winthrop, i,
Armitage's Hist. Baptists,

be "countenanced and upheld," and the other writings all "examined and allowed by the general court holden at Boston." The second part was a further account of Gorton, falsely accusing him of blasphemy and of encouraging the Indians to war. The third part was "The Cause of the Planting of New England" reviewed, with efforts to show that great danger threatened the colony from "such as Gorton and his company," that the practice of Massachusetts was not to punish for heresy, but for contempt "toward the authority God had betruſted" to them; that the "severe law" complained of they "never did or will execute the rigor of," but were "loth to repeal or alter the law because we would leave it" to "bear witness against their judgment and practice." Winslow's defense was soon after republished with a full table of contents under the titles of "The Danger of Tolerating Levelers" and "A More Particular Account Including the Former One." By these and various other methods the heretics were made to appear odious to many and deserving of all or more than the most charged or that could be done to them.

Winslow, in his address to the committee, made five requests: First, that they would "strengthen the cause of Massachusetts by their favorable approbation." Second, that they would never suffer Samuel Gorton any more to go to New England. Third, that they would suffer New Plymouth to enjoy their former liberties in the line of their government, which included their the Providence government's "very seat even," Providence and Shawomet. Fourth, that they would "patronize" him in the "just defense" which he was making and thus place his constituents under obligations to "engage with and for the Parliament and the Commoners against all opposers of the State (England) to the last drop of blood in their veins."¹⁰

Not all of Gorton's address to the committee on this occasion is preserved, but Winslow's requests Gorton probably offset with the same requests as applied for himself and Providence, among them that the English government would "never suffer Winslow any more to go to New England." The result of the trial was the refusal by the Parliament Commissioners to Winslow of every one of his requests and the granting of those of Gorton;¹ and the issuance by them of a second letter to Massachusetts, admonishing them to confine their jurisdiction to within the limits of their sole patent.

They say: "We did not intend by our former letter to restrain the bounds of your jurisdiction to a narrower compass than is held forth in your letters patent. Our resolution took rise from an admittance that the Narragansett Bay, the thing in question, was wholly without the bounds of your patent, the examination whereof will, in the next place, come before us, and whereas our said direction extended not only to yourselves, but also to all the other governments and plantations in New England whom it might concern, we declare that we intended thereby no prejudice to any of their just rights, nor the countenancing of any practice to violate them."²

Winthrop says: "The Commissioners having thus declared themselves to have an honorable regard of us and care to promote the welfare of the four United Colonies and other English plantations to the eastward, for they had confirmed Mr. Rigby's patent of Ligoniam, and by their favorable interpretation of it had brought it to the seaside,

646.

⁹Young's Chronicles.¹⁰Pref. Hyp. Unmasked.

¹Winslow was "never suffered any more to go to new England," but was given a position in the Eng. army. Mather's Magnalia, Book ii, ch. i. Gorton soon returned to his government with a letter from the Lord Admirable, commanding the non-molestation of himself and people.

²May 25, 1647. 1st Winthrop,

whereas the words of the grant laid it twenty miles short [they were but twenty-four miles short of Shawomet] and had put Mr. Ferdinand Georges out of all as far as Soco, our agent proceeded to have the charter, which they had lately granted to those of Rhode Island and Providence, to be called in."³ To this object the efforts of Winslow and his assistants were applied, to be again defeated, the Commissioners deciding that the charter they had granted to Williams should stand. Massachusetts "was prohibited" from acting under the Weld paper and enjoined to confine their jurisdiction to the territory defined in their charter. The Massachusetts Magistrates never placed the Weld paper upon their government records, for it would have been too difficult to explain if they were called upon so to do by the English government or their Commissioners. It was not again during sixteen years mentioned. Its promoters wisely let it sink into oblivion.⁴ The Parliament Board decided that Commissioners upon the ground should examine and determine to which charter all the disputed territory belonged. And they issued, July 22d, 1647, another order to Massachusetts that "the government wherein whose jurisdiction they (the inhabitants) shall appear to be, not only not to remove them, but to encourage them with protection and assistance." These orders were all signed by a majority of the Parliament Commissioners and by those who were claimed as signers of the Weld paper.

Gorton received from the Parliament Commissioners, single-handed against numbers of the most able and influential, all he asked for and all he could wish, except a "visible force" to compel the Massachusetts Magistrates to obey Parliament's mandates. The internal difficulties in England having a paramount claim upon the thoughts and resources of Parliament, the governments of the colonies were necessarily for the time neglected; yet, as a result of Gorton's work, the government of the Providence Plantations under their charter was so confirmed and determined that a fusion of all the parties on main land and island ensued, resulting in an agreement by them to the order established by the charter. Peace, however, was deferred, principally by the intrigues of Coddington and the impunity with which Massachusetts pursued her own way during the reign of Cromwell.

"The final issue of Gorton's address to the Parliament Commissioners," Arnold says, "not only prevented the Parliament from revoking their first decision, but also to have it confirmed, to the final discomfiture of their implacable enemies."⁵

Gorton says: "Mr. Winslow and myself had honorable correspondence in England and before the honorable committee, which he himself referred to, and not to wrong the chart I saw nothing to the contrary but that I had as good acceptance in the eyes of that committee as he himself had, although he had a greater charter and larger commission." Winslow and Gorton were early friends, dating from before the difficulties between the Providence Plantations and Massachusetts. Though as agent for Massachusetts to defend them against Gorton's complaints Winslow was obliged to make their defense against his judgment and with great reluctance, with such representations as they directed, some of them he would not have made of his own motion; and of Gorton, Winslow in his discretion is compelled to say that "time was when his person was precious in my sight." There must have been something spiritual about him to have drawn from him such an expression of

ii, 319, 320. ³2d Winthrop, ii, 386, 390, 391. ⁴R. I. Rec., ii, 162. Col. Aspinwall, Mass. H. Soc. Proc., 1862. Remarks on Narragansett Patent, Sidney S. Rider, Prov. ⁵Arnold's Hist. R. I., i, 219.

affectionate regard. Winslow seems to have felt it necessary to excuse himself for saying the hard things he did say of him.^a

Gorton, with the assurance of no further opposition from Winslow, in the spring of 1647-8 left for home with directions from the President of the Board of Parliament Commissioners of Plantations and with a letter commanding his protection in passing through Massachusetts. He and Winslow parted friends.⁷ Winslow resigned his agency for Massachusetts and accepted an English commission from that government, and died at sea on the expedition against Hispanoli.^a

There were many critical periods in the early history of the State. This was the first, and none could be more critical. Her chartered rights had been by her more powerful and influential rival denied, her territory taken by armed possession and another government set up over it.

It has been suggested that the claims Gorton presented were so just that success could not otherwise than attended his efforts. The justice of a cause does not insure it. The spirit of justice did not govern rulers generally, and the wonder is that he, against such multitude and variety of special and influential opposition, prevailed and prevented the Providence charter from being called in, the pretended Weld charter from being completed, the refugees from being delivered for punishment as requested, and the land from being divided up among the other colonies. The founding of the State is due to Roger Williams. Its preservation is due to Samuel Gorton.

CHAPTER XII.

A union Assembly, May, 1647—The Model Civil Government under English laws as first drawn up by Gorton and Hutchinson at Portsmouth on the island now agreed to by all the parties—All men privileged to "walk as their consciences persuaded them, in the name of Jehova their God"—Two governments—The Model Civil Government and the Judge and Elders Government contrasted—Coggershall made second President, or Governor, of the chartered government—Coddington, for third time left out of office, goes to Boston—Warwickers attempt to resettle at Warwick—Massachusetts sends Benedict Arnold and other of their officers to disperse them, and grants their lands to others—President Coggershall visits Warwick and interposes for his people.

Of the owners of Shawomet now living at Portsmouth, Judge Brayton says: "They were all law and order men and for civil government. They all held allegiance to the crown of England and claimed to be governed by the laws of the Kingdom. They all held that the civil power could not rightfully meddle with the consciences of men or with their religious belief. They claimed that the laws of England were theirs and that English liberty was theirs; that they came from the mother country to these shores clothed with them; that it was their birthright, and they had an abiding confidence that the government at home would in the end vindicate those rights." Besides these men, most of the inhabitants of Portsmouth were the same minded. They were the subscribers to the civil compact and were the members of

^aJudge Brayton, R. I. Hist. Tr. 17. Arnold's Hist. R. I., i, 168. Hutchinson's Hist. Mass., i, 552. Gorton's letter to Morton, Force's Tracts, Vol. iv.

⁷Aspinwall, Proc. Mass. His. Soc., 1862.

^aActs Coms. U. Cols., i, 192-194. Hutchinson's Hist. Mass., i, 187. It is a singular fact that nearly all of the agents sent by the Mass. government to plead their cause to the Eng. government, Thos. and Hugh Peters, Thos. Weld, Capt. Cook, Edward Winslow and others, were never allowed to return.

^aArnold's Hist. R. I., i, 122.

that government, but were not of the government that Coddington now pretended over them. All these and the large majority of the whole of the people of the Providence Plantations had been anxiously awaiting to know what would be the final issue of Gorton's mission, trusting that the charter would be sustained and their rights and liberties protected by law. The intelligence that the pretentious Weld paper was not a charter and that the Parliament Commissioners were zealous to uphold the charter granted to Williams were both "tidings of great joy to these people," and the means of so generally terminating the internal opposition as to bring about the union of those who had been Coddington's leading supporters with the chartered government.⁹

A General Assembly at Portsmouth, May 18th, 1847, had, upon the suggestion of the Providence Commissioners, the call of the government to them all, a full representation from all the towns.¹⁰ The Commissioners representing Providence in the government, and the only body of Commissioners the names of which are preserved were Gregory Dexter, William Wickenden, Thomas Olney, Robert Williams, Richard Waterman, Roger Williams, William Field, John Greene, John Smith, and John Lippitt. There were two kinds of Commissioners from the island. The two sets, each chosen by the inhabitants of their own town, and the one set chosen by Coddington's limited number of freemen for both towns, the whole island. After much sparring, the Portsmouth Commissioners obtained a rule under which they proceeded to "act alone according to the Assembly's instructions," declaring themselves to be "as free as any other town in the colony." The Newport Commissioners, however composed, were, that is "those who were successful as such and were seated, most of them Coddington's friends.

Shawomet had but about six settlers when the charter was written, but, as the reader has seen, provisions were made in the charter for all both present and future settlements within its stated bounds. Gorton having named it Warwick, in honor of his friend the Earl of Warwick, it was represented with the other towns. Portsmouth, to insure the stability of their independence of Coddington, proposed an act that each town govern its own affairs, but the friends of the latter prevailed with an amendment that they "might work either apart or jointly," which left the matter in its unsettled condition, disappointing the people's expectations and heightening the feeling of unrest and dissatisfaction. The Providence Commissioners' desires were expressed in resolutions, among them that all subscribe to the laws of England as had their Portsmouth friends, and the acceptance of the model of government that had been shown to them by their worthy friends of the island. The following propositions of the Portsmouth Commissioners were adopted: That the plantations assent to receive and be governed by the laws of England—not the church compact of Coddington; that "each town should have apart for the transaction of particular affairs a charter of civil incorporation;" and that the model of government and laws which they submitted be accepted by the whole representation for the colonies.²

Peterson, in his history of Rhode Island, says that when the Coddington faction joined the charter government of the Providence Plantations "the town of Providence instructed their Commissioners to hold a correspondence with the whole colony 'in the model that hath been lately shown unto us by our worthy friends of the island,' and it appears that the plan of the government was framed by the people of the island and shown to those of Providence, who agreed to adopt them; and

¹⁰R. I. Rec., i.

¹R. I. Rec., i, 191.

²R. I. Rec., i, 43, 44, 147

thus from the legislation of the people of the island the free institutions emanated." But he does not credit to the proper islanders the principles which he says "operated like leaven in diffusing itself through the minds of the masses and formed the nucleus out of which ultimately sprang the Declaration of Independence." The government agreed to was not that of Coddington's, but that of Hutchinson-Gorton's on the island.³

The government agreed to by all present provided for a President and Chief Justice and four Assistants or Associate Justices, for a Court of Election annually in May, and for General and Quarterly Courts; for a Grand Jury, that men have their preemptory and other challenges to the full as they have them in England; and for a Jury of Twelve men of the same town where the Court of Trial is held. The general code of laws, which concerned all men, was first approved by the towns [as the States adopted the Constitution and still adopt amendments] and was ratified by the General Assembly of the whole people. All legislative power was placed ultimately in the whole people in General Assembly convened. Towns might propose laws [as States amends to the Constitution] and the approval of a General Court of Commissioners might give them a temporary force; but it was only the action of the General Assembly (the General Government) which could make them general and permanent for all persons within the colony. But the towns had their local laws [as the States have theirs], which could not be enforced beyond their own limits; and they had their town courts [as the States have State courts], which had exclusive original jurisdiction over all causes between its own citizens.⁴

The code contained rules, among them one severely condemning a judge for stooping to the roll of the advocate, directing that the judge in charging the jury "should mind the inquest of the most material passages and arguments that are brought by one and other for the case and against it, without alteration or leaning to one party or another, which is too commonly seen." And recorded that "as it would be too prejudicial to the place or quiet government thereof for a man out of a discontented self-will, or other pretense, not to resign, together with his office belonging to the colony, island or town, to him that is chosen and appointed thereto. Be it therefore enacted by the authority of the present Assembly that whosoever hath or shall hereafter have books, papers or parchments that belong to the colony, island or town, or any other things appertaining thereto, shall within one month after another be chosen and appointed to take the charge thereof, deliver up safely into his hands all such books, papers, parchments and other things that were in his custody. And be it further enacted that he that shall not resign and deliver the books, papers, parchments and other things above specified within one month as he is appointed shall forfeit" as provided. It was enacted that a solemn profession before a judge should be accounted of as full force as an oath.

At the close of the code appears these words: "These are the laws that concern all men, and these are the penalties for the transgression thereof, which by common consent are ratified and adopted throughout the whole colony; and otherwise than thus what is herein forbidden, all men may walk as their consciences persuade them, every one in the name of God; and let the saints of the Most High walk in the

³This government was the first one in these Plantations to have a judiciary or magistracy governing in only civil things. All its features were adopted, excepting that of the chief officer. This may have been the result of Coddington's friends' pledge to vote only for him for Gov. or Judge.

Discourse, by Hon. Job Durfee, R. I. Rec., i, 191-208.

⁴Historical
*R. I. Rec., Dr.

colony without molestation, in the name of Jehovah their God, forever and amen."⁶

The form and character of this government was the exact antipode of Coddington's. The members of Coddington's court were selected by a very limited franchise. The members of his court were, up to nearly this time, no more enlightened with the belief in the rights of others to rule or to enjoy their opinions than were their Massachusetts brethren. They, like them, had removed not because they disavowed the doctrine of coercion, but because they did not like themselves to be the subjects of its application. All those who went off to Newport and installed Coddington to judge with double voice took the Bible as their code of State. Only through the stern experience that came to them after they became Baptists or Quakers did they receive into their minds the sunlight from the despised doctrine. "They possessed not that clear appreciation of the great democratic principles of civil and religious liberty"⁶ that was possessed by their despised brethren. In Gorton and Williams Church and State were distinct, but in Coddington they were at this time confounded.⁷

This Assembly has been called the Union Assembly, for in this all the principal ones of Newport and Coddington's followers joined the chartered government; the most prominent of them, his late Elder Coggershall, given the office of President or Governor and each of most of his other leaders given place. While this effected the reconciliation of the leading ones of Coddington to the government, it was a disappointment to Coddington, who was in this for the third time left out of office. He departed for Boston.

The penalty prescribed by Massachusetts to the owners of Shawomet to, at the peril of their lives, venture upon any portion of it was, notwithstanding Parliament's orders, unrevoked; but relying upon the observance of the orders, some of them, now "in anticipation of the joys long hoped for, peace in their possessions," returned to their home. "Having now received our orders," August 8th, 1647, they chose a town council, but they were not allowed to settle down in the place. There were forty years more of hardships and struggles for them before they were left in peace. Massachusetts now assumed to dispose of the land at Warwick to her subjects, and granted ten thousand acres to settle upon, provided government over it and sent Benedict Arnold and other of their officers to apprehend the bodies of the owners, to appraise damages against them and demand satisfaction.⁸ Upon this Governor Coggershall went to Warwick, and in the name of his government forbade the Massachusetts subjects to intermeddle; whereupon the Massachusetts Court resolved to again send forces against them, but deferred it until more should be learned from their foreign agents, they yet failing to observe that they had no right outside the territory limited to them in their patent⁹

We have in previous pages answered the absurd accusation that Gorton or the people of Warwick would not have a government until by a charter. He was the leading organizer, and more than one-half of those who became the original owners or settlers of Warwick were members of the model civil government now adopted by the charter government, and for their active promotion of it and participation in it were denied the island.

The Providence settlers composed their difficulties by arbitration, and

Janes' Samuel Gorton, p. 60.

Biog., v, 333.

⁶Armitage's Hist. Baptists, 672. Eighteen years after this Coddington was converted and became a Friend and Liberalist.

⁷5th Mass. Collec., i, 347.

⁸2d Winthrop, ii, 386, 390.

⁹"Staples"

were for eight years without a judiciary.¹⁹ The first six men of Warwick had scarcely need of even their provision for "loving arbitration" for the settling of their difficulties; for but nine months were allowed them there; busy months in building three or four little houses before they were with the six of Providence carried off to Boston jail;²⁰ and from that time on, after they formed a government, or for more than thirty years thereafter, Warwick was but the camp and fort for soldiers and the pillage ground of the subjected Indians. The few "habitations were destroyed by fire and otherwise," and the few once its inhabitants were scattered and had no place for a government, scarcely even a roofed dwelling.

CHAPTER XIII.

Gorton's return from England—He is detained by the Massachusetts government in Boston until after his government election is over—Coddington declared elected to the head of the Providence government—Providence government Assembly denounce the fraud, suspend Coddington, and choose and install Capt. Jerry Clark President of the Providence government—Coddington indicted for treason and his flight from the colony—Coddington offers himself and lands to the league of colonies—They refuse him—He offers himself and lands to Plymouth—Providence and Gorton party successfully oppose him—Coddington's letter to Winthrop accounting his disgrace.

A year had passed since the last Assembly and the Commissioners of Portsmouth and Newport had not composed their difficulties. Coddington and his remaining adherents were trying yet to enforce the edicts of this court over the whole island, and left nothing unturned to destroy the government which had been established under the Charter.¹ The citizens of Portsmouth had again in town meeting expressed their independence of the Newport men's rule over them, and ordered the clerk to re-announce their resolution to act in the approaching General Assembly separately. The feeling between them and Coddington's adherents,

Annals. ¹⁹Gammell's Life of Williams. 2d Sparks' Am. Biog. iv, 133.
²⁰We omitted to state that half of the men captured by the Mass. troops had not seen Shawomet, but were residents of Providence; were either taken by the troops at Providence as they passed through it, or at Shawomet after having fled there before the advancing soldiers. Cotton said: "This company was made up of those friends of Mr. Williams." They were members of Williams' church, of other churches and of no churches, whom Gorton never disturbed in their religion, but to whom, as to others, he preached the fundamental truths of the Christian religion when they chose to listen; which was crime sufficient, so then considered. "Gorton, desiring to speak his mind, fully set it forth as the mind of himself and his company, whereof those of Mr. Williams, his friends were no small part," Cotton, Nar. Club, ii, 16, 17. To Williams' addresses to Cotton, the declared inefficiency of such means, the branding of such methods, and censure of them—"There hath been no small noise of Master Gorton and his friends being disciplined, or as the Papists call it, disciplined in the school of the New Eng. churches. It is worth the inquiry to ask what conviction and conversion hath all these hostilities, captivatings, courtings, imprisonments, chainings, banishments, etc., wrought," and "when such unrighteous and most unchristian proceedings are exercised against them." Cotton defends proceedings by accusing Gorton, not only of heresy, but unjustly of wrongfully taking the Indian lands. Nar. Club, iv, 226, 228. Gorton did not accept the mission to the Eng. government on, as his decriers stated, his sole account, as we have seen from the resolutions of the Aug. 9, 1645, Assembly sessions; and Winslow, in describing his Parliamentary services, writes: "Gorton also appearing in defense of Rhode Island, Providence Plantations," and his petition contained no plea for redress for losses nor for injuries done him or anyone, but that the Mass. magistrates be restrained from exercising authority beyond their chartered jurisdiction, and that the rights of the natives and the natural and chartered rights of the

which had been continually growing, now became so severe as to threaten the existence of the colony.^a

Gorton was upon his return voyage to the colonies relieved from his former long route via Manhattan by the order of the Parliament Commissioners to the Massachusetts Court that "we do also require that you suffer the said Gorton and company to pass through any part of that territory which is under your jurisdiction, toward the said tract of land, without molestation, they demeaning themselves civilly, any former sentence of expulsion or otherwise notwithstanding." His safety was also further provided by the Earls of Northumberland and Warwick, by a passport or letter from them directed to the Massachusetts Magistrates, especially commanding their obedience to the issued orders. Under these circumstances he had taken passage direct for Boston, where he arrived on May 10th, 1648. This was in season for him to be in Providence at the opening of the nearing Assembly to testify in impending suits against Coddington and take part in the election. When he landed in Boston the Massachusetts Court was in session. The success achieved by Gorton in his mission made him the most popular and likely candidate for the Presidency of the chartered government. This, together with the evidences which he possessed of Coddington's treason papers and colonies records, the latter sent to the aid of the Massachusetts agents in England, which, if laid before the Assembly, would render Coddington's chances of election certainly fatal, impelled the Massachusetts Magistrates promptly, in defiance of the order to them from the Parliament Commissioners and in collusion with Coddington who was with them in Boston, to cause Gorton's arrest and detention.

The General Assembly of the Providence Plantations met on May 16th, 1648, the regular sessions at Providence. They at once appointed Rufus Barton, of Warwick, and Capt. Jeremy Clark, of Newport, as delegates to proceed with their protest to the Massachusetts Court against its high-handed proceedings. The Massachusetts Court, which was apprised of the Assembly's movements, avoided a hearing of the delegates and further delayed the matter by adjourning before the delegates' arrival.^b The delegates, hearing when they reached Dedham that the court had adjourned, wrote to Winthrop in terms becomingly severe yet deferential, asking leave to wait upon him with the request which they had in charge.

The Assembly resolved itself, as was the customary procedure, into a Court of Election and the election of State officers followed. It appears certain that either Capt. Clark or Gorton were the candidates for President of the government party. Coddington was put in nomination by the opposing party, with the result that the latter was, although not present to meet the charges and evidences of disloyalty that were lodged with the court against him, and was not present during any of the Assembly's sessions, *declared* elected. Jeremy Clark, Roger Williams, William Baulston and John Smith were chosen Assistants.

people of the Providence Plantations be regarded." The Parliament Commissioners also commended the wisdom and moderation of his plea. They say: "You may take notice that we found the petitioners' aim and desire in the result of it was not so much a reparation for what had passed as a settling their habitations for the future under that government by a charter of civil incorporation, which was heretofore granted them by ourselves. The Narragansett Bay was divers years inhabited by those of Providence, Portsmouth and Newport, who are interested in the complaint, and that the same is wholly without the bounds of the Mass. patent." Lord's and Commons' Recds. Collects., previously cited.

^aArnold's Hist. R. I., i, 221 Ports. Town Rec. ^bR. I. Collec., ii, 196.

^c2d Winthrop, i, 293. ^dThe oath of office was not taken of or given by

Immediately upon the announcement of the result of the election, upon divers bills of complaint against Coddington and Baulston, their membership of the body was suspended. They never appeared to defend themselves or attempt the impossible task of clearing themselves of the charges against them, and were never engaged nor installed in office.⁴ Capt. Jeremy Clark of Newport, who was a leader of the liberal party upon the island, was deputed President, and he, with the other officers chosen and engaged, was engaged and installed in the office of President to serve until another one be installed; but as none other was installed during that term, he only was the President for that term' and the third President or Governor of the Providence Plantations under the charter [Williams and Coggershall having been the first and second], or the second President since the principal Coddington followers joined them. It was evident that Coddington was not chosen or "elected" to be President, for the immediate poll of these same men showed their majority adverse to him and suspending him. The result of very similar conditions in the future reasonably assures us that they intended the office for Gorton at this election. In preventing Coddington's installation and preserving the government from the perversion for which he was conspiring, they accomplished much, considering the crooked methods in operation against them. John Clark was a member of this Assembly, an opponent of Coddington, never having since 1640 accepted an office under him.

The Massachusetts Court on the 13th of the month reconsidered what they had done, took up the letter from the Earls which Gorton had presented to them, and believing "that it could be no prejudice to our liberty, and our Commissioners being still attending the Parliament, it might much have disadvantaged our cause and his expedition if the Earl had heard that we should have denied him so small a request" as to obey his or the other Parliament Commissioners' instructions, "recalled their former order," permitted Gorton's release by only the casting vote of the Governor—so late that one from Boston could not reach Providence during the Assembly's sessions and election—and gave him the farcical grant of "a week's liberty to provide for his departure."

Portsmouth secured from the May Assembly the passage of its original act regarding the courts, that they be organized and held in each town separately; the courts of each town to be composed of six men of the town. These local judges were also the Commissioners or Representatives of their towns, and together constituted the General Assembly. From them each town chose an Assistant, who with the President composed the General Court and Senate. The island was freed of any plausible claims of Coddington's. The first bill of indictment, or "Presentation of the Grand Jury," that was drawn up in the colony was against Coddington and was presented at this session.⁵

Nine days after this, on May 25th, he writes to Governor Winthrop of Massachusetts that Capt. Partridge and Baulston and himself were in disgrace with the people of Providence and Warwick and Gorton's adherents on the island, and that he fears "Gorton will be a thorn in their and our sides." And Williams a few weeks afterwards writes that the colony was in the throes of "civil dissensions," the President Jeremy Clark as the Captain of the Providence and Gorton party in defense of the chartered government, and Alexander Partridge as

them; they were never invested with authority, and were not until 1654 restored as members of the government. ⁴Callender, R. I. H. S. Collec., iv, 268.
Foster, R. I. H. S. Collec., vii, 87. R. I. Recds ⁵Ante p. R. I. Rec., i, 194, 196, 198, 202, 203, 210. ⁶Hutchinson's Papers, i, 253.

Captain of the Pawtuxet and Coddington party arrayed against them.³⁰ In what appears to have been a short conflict, in which but one was killed but many wounded, Partridge's forces were defeated; and Coddington, after again writing to Massachusetts for help, was obliged to flee from the vengeance of the people and take refuge in Taunton.³¹

On August 15th William Arnold wrote to the Massachusetts government informing them that Pomham, one of many Massachusetts subjects who were still maintained by Massachusetts upon the land at Warwick, killing the cattle, entering the homes by force and committing other acts of violence upon such of the owners as ventured there, had been warned to the court at Plymouth and appealed to Massachusetts to have the case tried by them, as the interpreters to the Plymouth Court were all of the Gorton party, and as Mr. Brown, one to try the case, favored the company of Gorton and was very friendly with him. "Also being desirous to acquaint your worships of my fear that if there be not a speedier course taken the court will be deprived of jurisdiction in these parts by those who claim that it is under the Providence patent."³² He complained also of the trespass of such as returned to Warwick or to what he claimed were the Pawtuxans' lands, and on August 21st, Massachusetts, in response to this and in defiance of the Parliament orders to let these people freely live "without extending their jurisdiction or otherwise disquieting them," again sent their officers to Warwick to assess damages and demand redress.

In the September following, Coddington applied, he said, "in behalf of our island," to the Commissioners of the United Colonies to be received into a perpetual league with them. The masses of the people of the island had not authorized him to petition for them. His was like Arnold's early petition "in behalf of Providence;" it represented less than a dozen individuals besides himself.³³ The application was refused by the United Commissioners out of respect to the mandates of the Parliament Commissioners. The result of Gorton's efforts now saved Coddington and the island subjection to Massachusetts.³⁴ Coddington then personally presented himself at the court of Plymouth to subject himself and the island to them. Here he was met by representatives of the loyal party, Holden and Warner, both from Warwick, who declaimed against Plymouth receiving him or accepting any pretended subjection of the island. "They showed," Williams says, "to the satisfaction of the court that it would be a violation of their charter,"³⁵ and Plymouth refused him. Coddington in his petition to Plymouth said that Portsmouth inclined to it, when it was only Baulston of Portsmouth, who represented only himself, that inclined to it. A majority of the inhabitants of Portsmouth were among those whom Coddington termed "Gorton's adherents on the island." Some of the exiles from Shawomet to Portsmouth ever remained there. Half of the Portsmouth Representatives to the last Assembly were in 1639 signers and members with Gorton to the civil compact and model government. Neither Coddington's nor Baulston's course were approved by a respectable fraction of the inhabitants of either town or the island.

At this time the opposition of Coddington and his supporters and his course with the other colonies brought the government so near to the verge of its existence that an arbitration of the difficulties was proposed

³⁰3d Mass. Collec., ix, 278, 279, 280. 4th Mass. Collec., vii, 284. "Greenes of Warwick."³¹4th Mass. Collec., vii, 284. ³²Fuller's Hist. Warwick.

Holden and Greene's Petition, 1678. ³³5th Mass. Collec., i, 360. Wm. Arnold's letter, Aug. 15, 1648. ³⁴Hutchinson's Papers, i, 255.

³⁵Hutchinson's Papers, i, 256. ³⁶Williams' letter, 3d Mass. Collec., ix,

by both the Massachusetts Court and Williams.¹ In a letter regarding this, Williams says he was bold to suggest arbitration, to which Providence and Mr. Easton, though opposed to it, yielded, a reference for settlement to John Winthrop, Jr., and some other friends.² Arnold, in his history of Rhode Island, says that "had they submitted" a settlement of the difficulties to arbitration as proposed, "the charter would have been virtually annulled by the act of its holders; the schemes of the surrounding colonists to appropriate the rest of the State might have proved successful. The Providence Plantations would soon have been absorbed by Massachusetts and Connecticut." Happily, the Warwick delegates interposed and prevented it.

But the Ship of State had yet greater tempests to encounter. Coddington, encouraged and aided by Massachusetts, and intending by every means, if possible, to rule, had in the month before the Assembly and election provided that "financial resources for his occasions" should in June be at his call at Boston; and on September 13th, 1648, he wrote to Winthrop: "Yours conveyed by Mr. Baulston to Taunton received. I shall suddenly leave the island for England by the next, if God will, and shall be glad and ready to serve you there." On January 29th a vessel sailed on which he took passage.³

A special General Assembly was called after Coddington's departure, and was held at Warwick in March, the beginning of the new year 1649, the records of which are missing, but we learn that the President, Capt. Jeremy Clark, was yet upon field duty and not present at the opening of the sessions. Williams was solicited to be present as moderator, but he did not attend; yet an act of oblivion was passed which he had recommended.⁴ The charters for the towns provided for in a previous act, were issued, or re-issued, at this session.⁵

The many orders from Parliament upon the Massachusetts Magistrates to repeal the proscriptive acts against Gorton and others were unheeded. Randall Holden, having business in Boston which required his presence there, petitioned the Massachusetts Court that the sentence of banishment against him might be revoked in order that he might personally attend to it. He was informed that an attorney could attend to the business as well as himself.⁶

CHAPTER XIV.

The Assembly and election of May, 1649—John Smith chosen President; Clark, Gorton, Sanford and Olney Assistants; Williams Auditor—Deferred suits against Coddington—Nicholas Easton President—The government in complete order—Renewed aggressions and attempted subversion of the chartered government with a view to the absorption of the Providence Plantations by the other colonies—Massachusetts annexes Warwick and Pawtuxet to their territory—Winslow resigns from the service of Massachusetts—Armed invasion of the Providence Plantations—Gorton chosen President of the Providence government—Coddington pretends to an English commission to govern—Williams sent by the Providence government to England—The secession of the island—Coddington assumes its government—The passage of Gorton's Anti-Slavery Act the first in America—Arnold-Pawtuxet claimants pose as Providence, Pawtuxet and Warwick Commissioners to assist Coddington—Their rump assemblies.

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¹Mass. Rec., iii, 202.

²Williams' letter, 3d Mass. Collec.,

ix, 271.

³3d Mass. Collec., ix, 279-283.

⁴3d Mass. Collec.,

ix, 282, 283. It was not as the editorial note in the printed Colony Records asserts, that Williams was chosen because Coddington had gone to England. The conditions had not by Coddington going to England been changed. Coddington was not a member of the government, had been expelled. None other than Jeremy Clark had been installed President, and, as he was on military duty, Williams was solicited to act in his place as Moderator of the Assembly's sessions.

⁵R. I. Rec., i, 214. Arnold's Hist. R. I., i, 226.

⁶Mass.

On May 22d, 1649, the General Assembly and Court of Election was held at Warwick; Williams acted as moderator. John Smith, of Warwick, was chosen President. Thomas Olney of Providence, John Sandford of Portsmouth, John Clark of Newport, and Samuel Gorton of Warwick were chosen Assistants and were engaged. Smith and Gorton declined, and for this, as the law was, were fined, but they served and their fines were remitted. This election was a complete, though brief, triumph for the liberal or government party. Warrants were issued by the President of the colony and served by the Constable of Providence on the Arnolds to appear at the General Court for trial.² The suits pending against Coddington were, on account of his absence in England, deferred to a later session. There was unobstructed working order in the government for a season; the people happily and profitably employed, required little legislation. A massive stone garrison house that had been planned by President Smith was erected by him at Warwick, both as a fortress and his residence.⁴ The government, Williams says, was in complete order. The encroachments of the adjoining colonies were and had been for some time met by an effectual resistance, and judgments had been obtained in the courts and executions enforced by a number of the injured Providence and Warwick people against Arnold and other Pawtuxet pretended Massachusetts subjects.⁵

On May 22d, 1650, the General Assembly and Court of Election was held at Newport. Nicholas Easton was elected President. William Fields of Providence, John Porter of Portsmouth, John Clark of Newport, and John Wickes of Warwick were chosen Assistants and all were engaged. The Assembly received peremptory orders from the Bay not to prosecute any suits against the men of Pawtuxet who had refused to pay taxes, accompanied by threats of intervention.⁶ The short but a year, of peace was expelled. Supplies of powder and magazines and of arms proportioned to the population of the place were ordered established in every town of the Providence Plantations;⁷ and a special convention of delegates from all the towns was called by the President to consider the invasion of their territory.⁸

Renewed life was at this time given to the aggressive movements of Plymouth and Massachusetts and to the dissensions which had been maintained by the Pawtuxans and by Coddington, by rumors of the latter's designs on the colony and the changes encouraging to them, which had taken place in England. When Coddington arrived there the King was beheaded, the Puritans were in power, the House of Lords and the Parliament Commissioners who had granted the charter to Williams and the petition to Gorton had been abolished by Cromwell; the Commonwealth declared, and the supreme power vested in a State Council; many things favoring Plymouth, Massachusetts and Coddington, and a reputed scheme of the latter to make himself life Governor of the island. Plymouth and Massachusetts, encouraged by these prospects, renewed their disputed claims to Warwick and Providence before the Commissioners of the United Colonies. Massachusetts passed an act to annex Warwick and Pawtuxet to Suffolk, one of their own counties, and *again* sent officers to bring the people there to Boston for trial.⁹

On September 5th the United Commissioners met at Hartford. A letter to them from Winslow was read, requesting them to engage another agent in his place and declining their further service.¹⁰ The

Rec., ii, 275.

²Early Rec. Prov., xv, 27.

⁴Hist. Warwick, 262.

⁵Wm. Arnold's letter, R. I. Collec., ii, 207, 212.

⁶May, 20, 1650.

⁷May 23, 1650, R. I. Rec., i, 223.

⁸Prov. Town Rec., June 27, 1650.

⁹Mass. Rec., iii, 201. R. I. Hist. Tract, 17, p. 120. Early Recds. of Prov.

¹⁰Acts Commis. United Colonies, i, 162, 163. Winslow writes: "I shall be more wary hereafter how I engaged in business of that nature." 1st Winthrop, ii,

Commissioners ordered twenty well-armed men sent into the Narragansett country,¹ and a company of twenty others from Massachusetts soon followed.² A letter was received by the Commissioners from President Easton, protesting in the name of the government of the Providence Plantations against the war they were waging, and declaring his government and Warwick, where Gorton lived, to be bound mutually to support one another.³

At the following October sessions of the Providence Plantations it was, on account of the difficulties and dangers threatening them, ordered to raise £200 to send Williams to England.

The Pawtuxet claimants now, 1650, entered upon the Suffolk records at Boston what they called a combination agreement to a line described between Providence and their claimed purchase. No signatures are upon it, nor any certification of authority nor of adoption. It had never been agreed to by the town council or people of Providence, and never was entered upon the records of Providence. A paper purporting to be a copy, bearing the date of July 27, 1640, and thirty-six names, all written on it by a town clerk twenty-two years after, and marked "copied 1662" by him and found among ancient papers, has been printed in the Providence Early Records.⁴

Coddington, on March 6th, 1650, applied to the English Council of State for the government of "two small islands called Aquetnet, alias Rhode Island, and Quinunagate," which his petition stated he had a right to by discovery and purchase of the Indians and had quietly enjoyed ever since.⁵ He stated to the council, and showed to them by Winslow's assertion, that they were not within the patent for Providence Plantations. Winslow had so stated in his petition and prayed that they be declared in Plymouth's. An auspicious account of these proceedings reached Coddington's friends in April, and President Easton, who had for four years now been a member and loyal defender of the chartered government, abandoned it. The Providence Plantations were not represented in the case of Coddington before the English Council, and nothing having been produced by Winslow showing that the desire of Coddington should not be granted, a resolution to grant him the commission was by their vote, April 3d, 1651, adopted.

We do not find records of the annual May Assembly and Election, but it appears from other data that it was at the regular time held, and that Roger Williams acted in the place of the President as moderator of its sessions; for a letter was at this time directed by the Massachusetts Court to him, again forbidding the collection of taxes from Arnold, Cole, Carpenter and others of the Pawtuxet party, Massachusetts' pretended subjects.⁶ Samuel Gorton was chosen President. We do not find who were chosen Assistants. The records of the sessions were destroyed by the Coddington faction, and we have only such information regarding it as is obtained from other sources. The names of the President and Commissioners or Representatives appear in records following.⁷ That the people should now choose Gorton to lead them through the present complex and future threatening difficulties, and that he should accept a so arduous and hazardous and unpropitious an undertaking, is an expression of the deep-grounded faith of the people in his faithfulness, zeal and steadfastness, and a monument to the undaunted courage of their indubitable champion.

272, 280, 318-320. Hazard's, ii, 178. Hutchinson's Collec., 229.

Coms. U. Cols., i, 168.

²Mass. Rec., iii, 218.

¹Acts

Coms. U. Cols., i, 170.

⁴"The Lands of Rhode Island," by Sidney S. Rider, Providence, 91-95, etc.

⁵Intg. Entry Book, Vol. xcii, p. 64.

⁶Mass. Rec., iii, 228.

⁷R. I. Rec., i, 235.

⁸Journal of the Council

The following copy of the Council's resolution was, with a letter from Winslow, received by Massachusetts about the first of August: "Whereas, by a late Act of Parliament of October last, it is granted to the Council of State to have power and authority over all such islands and all other places in America as have been at the cost and settled by the people and authority of this nation, and thereon in any of the said islands and places to institute government and to grant commission or commissions to such person or persons as they shall think fit, and to do all just things and to use all lawful means for the benefit and preservation of said plantations and islands in peace and safety until the Parliament shall take other and fuller orders there; any letters patent, or other authority formerly granted or given to the contrary notwithstanding, do make and constitute William Coddington to be Governor of the said island (Rhode Island and Conanicut Island). He to be assisted by counsellors not exceeding the number of six, nominated by the people and approved by him."⁸ Coddington arrived upon the island about the first of September.⁹

The Commissioners of the United Colonies met September 4th at New Haven. They had the letter from Winslow read, and expressed their regrets at losing his further service.¹⁰ They then directed a letter to the island informing Coddington they were pleased that the Parliament Council had committed the government of the island to his hands, and desired to receive assurance from him that those who had taken refuge from their jurisdiction would be delivered to them.¹ They received a letter from William Arnold containing the following: "I thought it my duty to give intelligence unto the much honored court of that which I understand is now working here in these parts, so that if it be the will of God an evil may be prevented before it comes to too great a head, viz.: Whereas Mr. Coddington have gotten a charter of Rhode Island and Conimacuke Island to himself,² he have broken the force of their charter that went under the name of Providence, because he have gotten away the greater part of that colony.³ Now these company of the Gortonists that live at Shawomout and that company of Providence are gathering of £200 to send Mr. Roger Williams unto the Parliament. They of Shawomout have given £100 already and there be some of Providence that have given £10 and £20 a man, to help it forward with speed. It is a very great pity such a company as they are. There may be some mischief and trouble upon the whole country if their project be not prevented in time, for under the pretense of liberty of conscience about these parties there comes to live all the scum, the runaways of the country. They are making haste to send Mr. Williams away. Some of them of Shawomout that crieth out much against them which putteth people to death for witches,⁴ for say they, there be no witches upon earth nor devils but your own pastors and ministers.⁵ and such as they are."⁶

of State, Vol. 146, p. 155.

⁹Turners Greenes of Warwick.

¹⁰Acts Coms. U. Colonies, i, 196-198.

¹Acts Coms. U. Colonies, i, 215, 216

²It was believed by Coddington's followers that he had obtained a patent and that it invalidated the Williams' charter; but the Providence Plantation government and its friends in Eng. seasonably prevented any patent or Commission being issued to him upon the resolution.

³Rhode and "Conimacuke" Islands were about one-thirty-fifth part of the territory of the colony.

⁴During the ten years beginning 1645 there were seven persons put to death for the crime of witchcraft in New Eng. Murray, i, 294. Hinton, Knapp & Choules' Hist. U. S., 3d Ed., i, 68. 2d Winthrop, ii, 347, 398, etc. "Before 1652 there were thirty-six trials of accused persons and eight capital executions." "The Romance of Am. Colonization," 149, 150.

⁵"The Elders, especially Wilson and Norton, instigated and sustained the government in its worst cruelties." Bryant's Hist. U. S., ii, 462. Arnold's Hist. R. I., i, 273. Ryerson's Loyalists of America, i, 122.

⁶"Which last observation, I must say,

A letter from Warwick was read complaining of the "oppressions and wrongs amounting to great damage since we first possessed the place, being forced thereby to seek to that honorable State of old England for relief, which did unequitably draw great charge upon us to the further impoverishing of our estates; and finding favor for redress we were willing to waive for the time [in regard to the great troubles and employment that then lay upon the State] all other losses, statute wrongs, we then underwent, so that we might be replanted in and upon that our purchased possessions, and enjoy them peaceably for time to come, without disturbance or molestation. Since our gracious grant from the honorable Parliament in replanting us in this place, we have been and daily are pressed with intolerable grievances to the eating up of our labors and wasting of our estates, making our lives, together with our wives and children, bitter and incomparable. Insomuch that groaning under our burdens we are constrained to make our addresses to that honorable Parliament and State once again to make our just complaint against our causeless molesters, who by themselves and their agents are the only cause of this our re-uttering our distressed condition. May it please, therefore, this honorable Assembly to take notice of this our solemn intelligence given unto you as the most public authorized society appertaining unto and interested in the United Colonies whom our complaints do concern, that we are now preparing ourselves with all convenient speed for old England, to make our grievances known again to that State, which falls upon us by reason that the order of the Parliament of England concerning us hath not been observed nor the enjoyment of our privileges permitted to us; in that we have been prohibited and charged to acquit this place since the order of Parliament given out and known to the country; in that we have had warrants sent to submit us to Massachusetts Courts, and officers employed amongst us to that purpose; in that these barbarian Indians about us with the evil minded English mixed, under pretense of some former personal subjection to the government of Massachusetts, cease not to kill our cattle, offer violence to our families and vilify authority of Parliament vouchsafed to us; in that we are restrained and have been this seven or eight years passed of common commerce in the country, and that only for matters of conscience."

This letter from Warwick induced Massachusetts to lay before the United Commissioners a paper alleging that what she had done had been done with the Commissioners' approval. The Plymouth Commissioners in attendance declared that which the Massachusetts Magistrates claimed was done by Mr. Winslow and Mr. Collyer, concerning the resignation to them of any of Plymouth's interests in Warwick or Providence, was not in the power of Mr. Winslow or Mr. Collyer to resign, nor of Massachusetts to receive; and that Mr. Winslow and Mr. Collyer had several times publicly denied that they either did or intended to resign any part of the jurisdiction of Plymouth to the Magistrates of Massachusetts. And what right or authority the government of Massachusetts had to send for Samuel Gorton inhabiting so far out of their jurisdiction they understood not. That the Plymouth Commissioners did not refer the matter to the determination of the rest of the Commissioners at Boston; and what authentic writings the Governor of Plymouth signed the Massachusetts Commissioners did not show. If they meant a writing signed by the Governor and some particular persons, the Commissioners of Plymouth cannot own it,

has very much of a Samuel Gorton ring to it." Dr. Henry E. Turner, *R. I. Hist. Tract*, 4, pp. 36. *R. I. Rec.*, i, 234, 235.

¹*Acts Coms. U. Colonies*, i, 217. ²*Acts Coms. U. C.*, i, 221, 222. Hazard's *Hist. Collec.*,

having particularly and in the Court of Plymouth protested against it.*

The Massachusetts Commissioners, remembering the order of the Parliament Commissioners that the bounds of a patent should be set out by a jury of uninterested persons, and that all inhabitants within the limits so set forth should fall under the government established by the patent, and that the resignation claimed was not with the full consent of the inhabitants of Warwick who pretended an interest in Williams' patent, and would not by any peaceable means be brought under the Massachusetts government, and being desirous to prevent inconvenience and to settle peace, resolved to relinquish the rights and title they had and the lands of Warwick to Plymouth, that they engage to administer justice therein to the inhabitants. That means be used to reduce Warwick to submission to the government of Plymouth. . Therefore, the subjected Indians and officers of Massachusetts were sent with all convenient speed to Plymouth's assistance.⁹

The Massachusetts patent gave her three miles south of Charles river or the southwest point of it, and westward indefinitely on that line which is the present north line of Connecticut and Rhode Island, and by no possible construction could it be tortured to mean anything south of it. The grant to Plymouth gave them no right of territory west of the east shore of Narragansett Bay. But suppose Plymouth had grounds for such a claim, by what rule of law could she divest herself of any territory pertaining to her patent except by the surrender of it to the sovereign authority from which she derived it? And supposing she had that power, how could Massachusetts, whose existence depended on her patent, which expressly defined her limits and gave no power to expand them, pretend as in the case of Warwick and Providence, on the plea of voluntary subjection and release by Plymouth, and afterwards, as in Narragansett, on the plea of conquest, to exercise sovereign power outside the limits of her patent?¹⁰

There was during this year another display of the intolerance of the Massachusetts authorities, this time against some members of the loyal party at Newport; the whipping on September 6th of Obadiah Holmes, one of the best and most respected of its inhabitants. "Upon the Lord's day, July 20th, at the home of one of the brethren whom they went to visit," in the town of Lynn, Mass., John Clark, pastor, James Crandall and Mr. Holmes were taken upon a warrant, brought before the "ordnary" and cast into prison "for drawing others aside after their erroneous judgment." Holmes was fined £30, Clark £20, Crandall £5, and on refusal to pay they were "to be well whipped." Some indulgent and tender-hearted friends, Clark tells us, contrary to his judgment, paid his fine. Thus some one paid the fine of Crandall and proposed to pay that of Holmes. Holmes had earlier, while at Plymouth, been presented to the court there for holding religious meetings and took refuge on the island. He was a man of high character and importance, a member of the Newport church to which he afterward succeeded Clark as pastor. He would not consent to the paying of his fine and was whipped thirty stripes.¹

A General Assembly session of the Providence Plantations began on November 4th at Providence, over which Samuel Gorton presided, and at which Roger Williams, John Clark, Robert Williams, son of Roger Williams, John Wickes, John Greene, John Smith, Robert Porter and others, a majority of the loyal members, were present. The time of this session was "the most eventful era in Rhode Island history, and this session of the Assembly one of the most important it ever

*Acts Coms. U. Colonies. Mass. Rec., iii, 216.

of Warwick Proc. Mass. Hist. Soc., 1862, pp. 41, 77.

¹⁰Dr. Turner in *Greenes*

¹John Clark's

held. Upon the success of its measures depended the preservation or dismemberment of the colony of the present State."

It was asserted by Massachusetts and the Pawtuxet party, but it was not, as will see, admitted, as the editor of the printed colonial records states, that the Council of State's resolution had vitiated the charter. The leading men of the colony were present² at this Assembly, and they promptly and emphatically expressed their confidence in the charter and government in the following resolution:³ "That we do profess ourselves unanimously to stand imbodied and incorporated as before, by virtue of our charter granted unto us by the honorable State of old England, and thereby do according to our legal and settled order choose and appoint our officers, institute laws according to the constitution of the place and capacity of our present condition, prosecuting, acting and executing in all matters and causes for the doing of justice, preservation of peace and maintaining of all civil rights between man and man, according to the honorable authority and true intent of our aforesaid charter." Arnold, Baulston and Torey, leading men of the island, afterwards [in 1660] addressed a communication to the British government, in which they say "that by virtue of the charter of 1643-4 the government of the colony has ever since been to this time maintained." It is, Judge Durfee says, the same corporate body which has perpetuated its existence by accepting and adopting the changes in its constitution up to the present day.*

The £200 voted at a former session to send Williams to England, the Warwick people having, as William Arnold complained, immediately raised the one-half, being now available, Williams was commissioned as the agent of the chartered government to England, to depart immediately. The majority of the people of the island and the loyal people of Newport, whose number there largely exceeded Coddington's "freemen," had selected Clark to secure the repeal of the council's resolution, and he sailed with Williams.

There were good reasons, many thought, why it was advisable to have a new charter, among them, for more definitely locating the boundary lines, the present charter bounding only thus: "Northward and northeast on the patent of Massachusetts and southeast on Plymouth patent," etc.; for a constitutional guarantee of religious freedom, the silence upon religious matters observed in the present charter, giving the people liberty to govern themselves, although the best that could be secured when it was granted, not precluding religious discrimination being introduced under it, if the party to this obtained control of the government, which prospect seemed not altogether improbable; and too, since the Parliament Commissioners who granted the charter had been removed, Charles the First had been brought to the block, England declared a Commonwealth, and Parliament had appointed a Council of State for the affairs of government, a charter of later authority was desirable.

Through most intense broils, during the disruption of the union by Coddington and the threatened invasion by Massachusetts' and Plymouth's ready and hostile forces, imperiled through intrigue, and beset with the lawless acts of the Arnolds and Pawtuxans, and in the midst of an insurrection inspired and supported by these parties and factions, Gorton, without the valued presence of Williams and Clark during their necessary absence, by his prudence, fearlessness and firmness, held the despoilers at bay, and well and comparatively peaceably administered the affairs of this young republic. Winslow was wise in his prediction

"III News from N. Eng," 4th Mass. Collec., ii.

²R. I. Rec., i, 235.

³R. I. Rec., i, 233.

*Judge Job Durfee's Complete Works.

in 1644, when Gorton was chosen a Magistrate at Portsmouth, that the church magistracy had much to fear from it, but erred in his prediction that "full and free toleration of religion would eat out the power of government." Unlikely did he then think that a government would be established and sustained by the free suffrage of a people enjoying the legal right of religious freedom; and that Gorton would be selected for the leading trust in it, while himself would depart to not return, severing his connection with the colonies. One of his last official communications was to Massachusetts during this period of emotion, to inform them of the English Council's pleasure that they surrender their patent. "These things," a petition of the Massachusetts Court reads, "make us doubt and fear what is intended toward us." "This was," Palfrey says, "a time of more than common sensibility in Massachusetts."¹⁶ A joint effort of the colonies was now, through Massachusetts relinquishing her long asserted right and title in Narragansett and engaging to aid in enforcing the claims to it of Plymouth and others, resolved upon to subdue the Providence Plantations. The embarrassments of the colony and the burden or responsibility resting upon those to whom its affairs were entrusted increased daily. Yet through the storm and "over troublesome waves the little ship of State sailed during the year 1651, tossed by billows on every side, but still bearing a crew of valiant men, whose courage and wisdom was equal to the emergency."

The facts, contrarary to the representation upon which the English Council's resolution was based, were quickly shown to them, convincing them that they had acted under misapprehensions and restraining their further action, for it does not appear from their journal that any Commission upon the order was made out to Coddington. He, after waiting in vain for it over a year, or until April 14th, 1652, a few days before Gorton's term as President of the colony expired, signed as an expedient and last contention, a paper acknowledging the interests of the original purchasers in the island, and assayed to assume its government. As when in earlier days a significant paper was sent to "the brethren at Portsmouth," this acknowledgment gained the support of many of the inhabitants of the island, all of whom were without land titles, daily fearing that they would be deprived of their possessions. In the acknowledgment he states that the land had since its purchase remained in his hands and had been a great source of trouble.¹⁷

On May 18th the General Assembly and Court of Election of the Providence Plantations convened at Warwick. The President, Samuel Gorton, was moderator of its sessions. John Smith of Warwick was elected President, and Thomas Olney of Providence and Samuel Gorton of Warwick were chosen Assistants for the ensuing year. The island did not send representatives to this Assembly.

This session passed an Act for the Emancipation of Slaves: *The first legislative edict of emancipation of slavery that was adopted in America.* In this remarkable statute Gorton's literary style is clearly evident, and he was without doubt its author and principal promoter.¹⁸

The Massachusetts Act in the "Body of Liberties" forbade the bondage of only those who were Massachusetts born. It did not eman-

¹⁶Ryerson's *Loyalists of America*, i, 108 note.

¹⁷Winslow's *Defense*.

¹⁸Palfrey's *Hist. N. Eng.*, ii, 395 note.

¹⁹Fuller's *Hist.*, p. 45.

²⁰R. I. Rec., i, 50. Coddington's *Petition to Eng. Council*, Ante p.

²¹Dr. James' "A Forgotten Founder of Our Republic," Preston & Rounds, publishers, Providence.

Stephen Hawes, in his "Chronology of Ancient and Modern History," p. 172. See Shepherd & Dillingham, publishers, N. Y., 1871, records that "Gorton and Williams in 1652 made a decree against slavery in R. Island." Gorton was the leader of this Assembly; Williams was in England undoing Coddington. The

cipate her slaves.¹⁰ The Massachusetts Act of 1646 was the sending home of a stolen negro,¹ and did not affect the other slaves they held. The Gorton Act² *abolished life servitude*, and it is the only legal enactment abolishing involuntary life servitude that was passed in those early times in any of the colonies. By its terms all slaves or bondsmen living in or brought into the colony were ordered to be set free within ten years. If taken under fourteen, they were to be set free at the age of twenty-four years, as the manner was with English servants. The man who would not let them go free, or should sell them elsewhere to the end that they might be enslaved to others for a longer time, should forfeit to the colony forty pounds. The price of a slave then was but twenty pounds. These early legislators were not sustained in their advanced humane act, for the colony did, notwithstanding it, tolerate life ownership or slavery very long afterwards. And one hundred years thereafter legislators took up the question of the emancipation of slaves just where Gorton had once placed it so long before.

The breaking out at this time of a war between England and Holland interrupted the commerce between the colony and the Dutch plantations.

William Arnold, Benedict Arnold, William Carpenter, Robert Cole, the Massachusetts subjected agents, and others of the Pawtuxet claimants living on lands on the outskirts of Providence and adjoining Warwick, claimed to live and claimed ownership both in Providence and Warwick, and injected themselves into the town councils of both places and into the colony government in support of their land schemes and the claims of Massachusetts and Coddington. The latter was again a refugee from the colony, the people having rebelled against the government he but a month ago attempted to organize on the island, and he having fled again to Boston, again taking the island records.⁴

On July 29th the towns were ordered to select judicious men for a General Court called to transcribe letter and instructions to the colony's agent in England. The order is signed Samuel Gorton, Deputy President.⁴

The next sessions of the Assembly was on October 28th at Providence. The President, John Smith, was moderator. They transcribed a letter to Williams in England encouraging him in his work of "unweaving such irregular devices wrought by others amongst us as have clothed us with so sad events as the subjecting of some amongst us to other jurisdictions;" in the work of "preventing the approach of Massachusetts and Plymouth upon us; they beginning to unite in one against us, such as before in some respects were separate;" and in the work of upholding the charter and government; and suggesting that if it be the pleasure of the Council to appoint him as Governor for one year it would establish for the present the government until the question of jurisdiction and chartered rights could be settled, so the government be honorably put upon the place and much weight for hereafter added in the constant and successive derogations of the government. It is the John Greene of Warwick, recorder, whose name is signed to this letter.⁴

enslaving of captured Indians was opposed by Gorton. R. I. Rec., i, 70. Church's Indian Wars, 51. Prov. Recds., 1676. Arnold's Hist. R. Island.

¹⁰Force's Tract, Vol. iv. ²2d Winthrop, ii, 300, 462. ³R. I. Rec., i, 243. ⁴Hildreth's Hist. U. S., Ed. 1848, Vol. i, p. 395.

⁴Early Recds. of Prov., vi, 56. ⁵The Index to the Bartlett Colonial Records is misleading. Under the head of Roger Williams is "Letter of John Greene to Roger Williams, then in England; and 'Dissatisfaction of General Court to certain complaints in the above letter.' The Index should read: 'Letter from the Assembly subscribed to by John Greene, recorder, to Roger Williams' [R. I. Rec., i, 249, Oct. 28, 1652. John Smith, President General

The Pawtuxet men and Massachusetts subjects, calling themselves Commissioners "lovingly chosen from Providence and from Warwick," were on hand at Providence during the Assembly's sessions, and immediately drew up a letter from Providence,⁴ complaining that the Warwick people, President Smith and others in Assembly now at sessions say that they so "lovingly chosen" "are no lawful committees," and complaining that the letter to Williams in England about their irregular devices, subjecting to Massachusetts and the sad events thereof, "is a just cause of offense to them;" and to this letter of complaint they attach a copy of the letter complained of.⁵

A call for a sessions of the Assembly at Warwick on December 20th was made by the President John Smith, accompanied with advice for the members to "keep in order and union till the return of our agent from England." Without doubt the members who attended the previous sessions, and who were regularly chosen at the last election, met in answer to the call and were presided over by President Smith. They maintained their order and union intact; but members of the Arnold and Coddington factions, unfairly chosen Commissioners, obtained the record books and the large part of the records of their rivals' meetings were removed, preserving those of themselves. According to these records, so kept until Williams' return and preserved with headings, "The General Court," etc., indicating that they were the government, the self-styled Commissioners of the Pawtuxet faction met, they say, in answer to the call of the President.⁶ There was but one regular Commissioner among them. The President or Assembly never acknowledged them as Commissioners or members. It would have been a surrender to the Arnold and Coddington factions; but the latter sent word to President Smith that they, being assembled according to his order, entreated that he would be pleased to afford them his presence; ordered Hugh Bewett, one of their number whom the Assembly had indicted for treason, to appear before them for his trial; resolved to maintain their organization; again entered their protest to the letter the Assembly in October last sent to Williams,⁷ and ordered President Smith fined for not meeting with them.⁸ They record a protest made by the Commissioners to their usurpations and an appeal from their acts received by them from the President, John Smith, and from Samuel Gorton.

CHAPTER XV.

Word from Williams from England regarding Coddington and the Council's resolution—That no commission to Coddington for government had ever been issued upon it—The English Council make an order against Coddington's pretensions to government and order the Providence government to care for the island—Coddington absents himself from the colony—The Coddington government maintain their organization and choose Sanford their President—An agreement effected for readmitting the island to the government under

Assembly]; and "Dissatisfaction of Pawtuxet Party to certain complaints about them in the above letter."⁴R. I. Rec., i, 247. ⁵R. I. Rec., i,

247, 248. They claimed lands and residences on both sides of the river, and so claimed themselves to be Commissioners from both towns. ⁶Their

Secretary was John Greene, not of Warwick, but of Narragansett. R. I. Rec., iii, 56, 57, "Greene Family."

⁷R. I. Rec., i, 256. Early Prov. Rec., xv, 60, 65. ⁸R. I. Rec., i, 259. ⁹This order is not in the

the charter—Williams returns—Williams elected President—Williams', Holmes' and others' complaints to Massachusetts and to England—Leverett appointed agent for Massachusetts in England—Cromwell prevented from inquiring into the conduct of Massachusetts—The Coddington, Arnold, Pawtuxan combine at Newport—Their few freemen their electors—They inflating as Representatives of the whole large population of Newport, preponderate and control the government—Coddington returns to the island; his subscription to the Providence government and his destruction of the records—The choice of Gorton by Coddington and the Assembly as arbitrator of the difficulties besetting Coddington—Gorton's letters to the imprisoned Quakers—The combine at Newport make a Massachusetts subject Governor—The court condemns Harris, leader of the Arnold-Pawtuxet claimants, for treason.

The English Council of State, upon a hearing of the true condition of affairs in the colony as presented to them by Williams, issued an order commanding the chartered government to take care of the island, following:

"Gentlemen:—The Council have been informed that Mr. Coddington, from hence Governor of Rhode Island, hath so behaved himself as hath produced great matters of complaint against him now depending before us. The consequence thereof hath been the bringing of things there into great discord and extremities amongst yourselves by means whereof the whole colony is exposed as a prey to the Dutch, the enemies of the Commonwealth, who (we are informed) have designs upon that place in the absence of the Governor that hath withdrawn himself. Upon consideration of all which we have thought it necessary for the present, and until further directions and order be given by the Parliament or the Council for settling that colony, to authorize you and do hereby authorize you to take care for the peace and quiet thereof, according to such orders and instructions as hath been given you by virtue of any ordinances or acts of Parliament. Signed in the name and by the order of the Council of State appointed by authority of Parliament.

"Whitehall, 2 October, 1652. JAMES HARRINGTON, President.

"To Magistrates and Free Inhabitants of Providence Plantations."¹

William Dyre, whom Williams had taken with him, was despatched with the order and on February 16th he arrived with it in the Plantations;² but instead of delivering it to the President and Commissioners of the government under the charter he took it to the island and sent word to Providence and Warwick that he had an order from the English Council of State for their direction.³ The Coddington and Arnold men, calling themselves the Assembly General of the Providence Plantations, met at Pawtuxet on the 25th of February to receive it, but it was not presented to them.

On March 1st (1652-3)⁴ the Coddington-island men met at Portsmouth, and the order of the Council of State was delivered into their speakers' hands, instead of as it should have been into the hands of President Smith and officers of the chartered government. Although a Coddington government did not exist, and he was absent from the former scenes of one, his adherents maintained an organization, and they ordered those who were governing under the charter to take their places with them.

Members of the Pawtuxet party, assuming to be the government, again on March 9th met at Pawtuxet to receive the Council's order from and treat with the island, but complained that they received neither the order nor an answer from them.⁵

printed records of the Colony of Rhode Island.

i, 242.

²R. I. Rec., i, 268.

³R. I. Rec., i, 240, 269.

⁴R. I. Rec., i, 269.

⁵Williams' letter, R. I. Rec., i, 351.

⁶R. I.

The members of the Pawtuxet party, again for the third time since the arrival of the Council's order, met on March 18th for the purpose, as assumed Commissioners of the main land towns, of annexing them to the island organization, and to join with the latter in sending an agent to England to secure the withdrawal of the Council's order, and establish Coddington's rule over the whole colony.⁶ The Council's order and with it propositions from the island men for a union were delivered to them by Benedict Arnold. The propositions provided that Newport should be the seat of government and that the Pawtuxet party should come there and join them. The islanders also providing for themselves too many of the official places, the propositions were not accepted and the objects of the meeting not accomplished.⁷

The members of the Pawtuxet party, as an Assembly of the government, again on May 16th met at Providence and declared Gregorie Dexter, Jr., their President;⁸ recorded the propositions Benedict Arnold had made to them; "remitted" the fine President Smith "is to pay" for refusing to serve with them; and tabled Smith's and Gorton's—the President and Assistant—protests to their acts of usurpations. The Commissioners, members of the charter government, have no record we can find of a May election, although Smith or Gorton by choice or appointment served during the year as President. The order to them from the English Council of State having been withheld from them, they thought best to abide William's arrival, very patiently waiting while they watched the maneuvering factions.

The island organization, unable to bring either the members of the chartered government or the members of the Pawtuxet party to the terms they offered them, persisted in maintaining a separate government on the island in spite of the English Council's order for the charter government "to take care of the place."

On May 17th the island organization chose for their President John Sanford, a son-in-law of Samuel Gorton.⁹ They passed a resolution that if Providence and Warwick would act with them they might choose the general officers. It appears from the Early Providence Records¹⁰ that the names of the Providence and Warwick men were either written to this agreement for them or that they were tricked into signing it, for the Sanford government immediately thereafter reconsidered regarding its officers, ordered that all the courts in all the towns act jointly with them, appointed Commissioners for all the towns, entered into the Dutch war and made some captures.¹

On June 3d members of the Pawtuxet party met at Providence.² They now condemned the action of the island government, particularly blaming them for not earlier delivering the Council of State's order to them, on February 25th or on March 9th, when they set to receive it.³

On August 13th they again met at Warwick, "this being their second session" at Warwick. They ordered a letter sent to Massachusetts by John Greene, their recorder, and they kept the Massachusetts Magistrates posted regarding President Smith, Gorton and the other regular Commissioners' doings. The Massachusetts Magistrates again received a letter, September 5th, 1653, from William Arnold, informing them that Gorton and his companions were intending great matters to Cromwell, having a letter in their hands to which four or five of the Massachusetts Magistrates had subscribed, which they intended to send to England to be a further testimony against them.⁴

Rec., i, 258, 268, 269, 270.
i, 264.
i, 267.

¹⁰vi, 65.

⁸R. I. Rec., i, 268, 269.

⁶R. I. Rec., i, 258, 262.

⁷R. I. Rec., i, 263-267.

⁹R. I. Rec.,

¹⁰R. I. Rec.,

⁴Hutchinson's Papers, i, 283.

Finally, an agreement acceptable to a majority of each—the Commissioners, members of the chartered government, and the Pawtuxet party, and the island party—was effected for replacing the island under the chartered government, by accepting Easton of the island as President of the organization under the charter until Williams' return, and staying the operation in towns of such laws as they had not participated in enacting; and on May 16th, 1654, a General Assembly of the Providence Plantations was held at Providence for carrying out these provisions. Gorton, as an Assistant, was among the members of the chartered government present, he heading the list of these representatives; and with them were Pawtuxet and Island men. Officers for all the towns were for the time being chosen, many of the worn champions of the government giving up place to secure the desired union and peace.

The important positions held by Gorton and others of Warwick in the government of the colony during these years of unhappy discussions indicate the estimation in which they were held by the people. That the colony was not entirely broken up by its enemies within and without may be ascribed to the wisdom and prudence of a few men of the loyal towns who firmly held the reins of government during this period.⁵

During August, 1654, Williams returned. He brought with him letters from the "Lord Protector" Cromwell confirming the charter. Clark remained, both to protect the colony's interests and to attend to some private business.⁶

Williams, shortly after his return, sent the following to the Pawtuxet men: "Since I set the first step of an English foot in these wild parts, and had maintained a chargable and hazardous correspondence with the barbarians, and spent almost five years' time with the State of England to keep off the rage of English against us, what have I reaped of the root of being the stepping stone of so many families and towns about us but grief and sorrow and bitterness? I have been charged with folly for that freedom and liberty which I have always stood for: I say liberty and equality both in lands and government. I have been blamed for parting with Mooshassuck and afterwards Pawtuxet, which were mine own as truly as any man's coat upon his back. I am told that your opposites thought on me and provided, as I may say, a sponge to wipe off your scores of debt in England, but that it was obstructed by yourselves, who rather meditated on means and new agents to be sent over to cross what Mr. Clark and I obtained. But, gentlemen, blessed be God, who faileth not, and blessed be his name for his wonderful providence, by which alone this town and colony and that great cause of truth and freedom of conscience hath been upheld to this day."

On August 31st there was an Assembly of the government at Warwick. A full representation was present from all the towns, and an engagement for readmitting the island to the government under the authority of the charter was signed by all of them. They ordered a "Court of Election to be held upon Tuesday, ye 12th of ye next month, and to be kept at Warwick, which officers then chosen shall be engaged and stand til ye Court of Election in May next."

A General Assembly and Court of Election was held the 12th of the next month and Williams was chosen President, but nearly all of the other offices were given to members of the Island and Pawtuxet parties. Among the Representatives and officers were Baulston, Coggershall, Easton, Harris and Arnold, the latter yet a subject of Massachusetts.

⁵Fuller's Hist. Warwick, 48, Appendix, iii.

⁶R. I. Rec., ii, 78, 79. The following year Clark published his Bible Concordance and Lexicon, the fruit of many years' study and labor, and at the time the most complete of the works for its purpose.

⁷R. I. Rec., i, 351.

⁸R. I. Rec., i, 284.

⁹Rec., i, 287-289.

The courts of trials for the mainland towns were continued as they ever had been, separately; but for the Island towns Newport obtained the privilege of holding them jointly, which reopened upon the island the subject of former agitations and difficulties.⁸ Instructions were sent to Clark; and the letter following, of Williams, in reply to one received from Vane which chided the Plantations for their dissensions, was approved, subscribed to by the clerk and sent to him: "To Sr. Henry Vane—Sir, Your letter was directed to all and every one of the particular towns of this Providence Colony. From the first beginning to this day we reaped the sweet fruits of your constant loving kindness and favor toward us. Oh Sir, whence then is it that you have bent your bow and shot your sharp and bitter arrows now against us? Whence is it that you charge us with dissensions, divisions, etc.? Sir, we humbly pray your gentle acceptance of our trifold answer. First, we have been greatly disturbed and distressed by the ambition and covetousness of some amongst ourselves. We were in complete order until Mr. Coddington, wanting the public self-denying spirit which you commend to us in your letter, procured by most untrue information a monopolie of part of the Colony, viz., Rhode Island to himself, and so occasioned our general disturbance and distractions. Secondly, Mr. Dyre by private contention with Mr. Coddington, being instructed to bring from England the letter from the Council of State for our reunion, he, contrary to the State's instructions and expressions, plungeth himself and some others in most unnecessary grief, who protest against such abuse. Sir, our third answer is, that we may not lay all the blame upon other men's backs, that possibly a sweet cup hath rendered many of us wanton and too active; for we have long drank of the cup of as great liberties as any people that we can hear of under the whole heaven. We have not only been long free—together with all English—from the iron yokes of wolfish Bishops and their Popish ceremonies—against whose cruel oppressions God raised up your noble spirit in Parliament—but we have sitten quiet and dry from the streams of blood spilt in the war in our native country. We have not felt the new chain of the Presbyterian tyrants, nor in this colony have we been consumed with the overzealous fire of the so-called Godly and Christian magistrates."⁹

At the May election, 1655, at Providence, Williams was again chosen President. On June 28th the Assembly convened at Portsmouth. The letter from Cromwell, a brief of what his Council had ordered, was read and recorded.¹⁰ Roger Williams, Samuel Gorton, William Baulston and Benedict Arnold were ordered to form and subscribe letters to John Clark and the Lord Protector.¹

The following, under date of November 15th, was sent to Massachusetts by Williams: "Concerning four English families at Pawtuxet, may it please you to remember that two controversies they have long under your name maintained with us to a constant obstructing of all order and authority amongst us. To our complaint about our lands, they lately have proposed a willingness to arbitrate, but to obey his Highness' authority in the charter they say they dare not for your sakes, though they live not by your laws nor bear your common charge, nor ours, but evade both under color of your authority. Since it has pleased first the Parliament and then the Lord Admiral and Committee for Foreign Plantations, and since the Council of State and lastly the Lord Protector and his council, to continue us as a distinct colony, yes, and since it hath pleased yourselves by public letters and references to us from your public courts, to own the authority of his Highness

¹⁰Cromwell's order 1655, Mar. 29. Ri. I. Rec., i, 316.

¹Ri. I. Rec., i, 395-

amongst us; be pleased to consider how unsuitable it is for yourselves— if these families at Pawtuxet plead the truth—to be the obstruction of all orderly proceedings amongst us. I grieve that at this instance and by these ships this cry and the premises should trouble his Highness and his Council: For the reasonable preventing of which is this humble address presented.”

The complaints in this letter from the Assembly to John Clark and complaints from Obadiah Holmes and others against Massachusetts were presented to Cromwell; but Capt. Leverett, who was on November 13, 1655, appointed by Massachusetts their agent,³ and who had taken a number of French forts in America, served in the army under Cromwell and enjoyed much of his favor, prevented his inquiry into the conduct of Massachusetts; although he admonished her and censured her for banishing her seducers.⁴

Both the subjected Whites and the subjected Indians were still maintained by Massachusetts upon the lands of others, in constant obstruction to order and the authority of the Providence charter; and the General Assembly issued a warrant to bring them before the court to answer the complaints of the inhabitants against them.

Forty-two was the total number of male inhabitants of Providence at this time. Warwick had thirty-eight, Portsmouth seventy-one, and Newport had ninety-six “freemen,” but it had over three hundred inhabitants, which was over two-thirds of the population of the whole colony;⁵ and a more than corresponding amount of wealth and amount of control in the government. By the “freemen’s” act a restrictive elective franchise, an inheritance from Coddington’s government, still maintained at Newport, the old leaders there, as he had done, kept themselves in official place, and then, by assaying to represent the whole and exceeding number of inhabitants, they lead in the management of the affairs of the colony. Coddington, who during the height of the commotion upon the island had been obliged to flee for safety from the inhabitants and remain for a time away, had returned to Newport, and was sent as a Representative to the Assembly at its March sessions. Objections were at once made to his sitting, but they were overruled “for the comfort of all parties,” and as his old leaders had “inconsiderately imposed the service upon him.” Claims against Coddington for depredations of his government upon the Dutch Colonies were brought to the attention of the Assembly by a Council of State letter, in reply to which they ordered that a letter be sent to Clark manifesting Coddington’s subjection to the authority of the charter and acting to free him from the danger of former troubles, complaints and penalties. An injudicious partisan resolution was passed to destroy such portions of the records as were unfavorable to Coddington—that they should “be cut out and delivered to him.” This embraced what he had extracted from them, and they, with those now included, covered the most eventful and interesting of the colony’s early history, from its beginning up to and including the troubles that compelled Gorton’s despatch for England and the time of Gorton’s Presidency of the colony; but one page with a reference to the latter having escaped their diligence; the eventful times immediately preceding and following the

399. ²R. I. Rec., i, 322-325.

³Mass. Rec., iv, Pt. i, p. 251; Com. dated Nov. 23, 1655. Hutchinson’s Papers, 272, 300, 310. 1st Winthrop, ii, 247 note.

⁴Hutchinson’s Hist. Mass. National Magazine, Dec., 1893. British Council of State Papers, i, 445. Leverett was, for his success in managing the cause of Mass. before Cromwell, made a Major General and granted one thousand acres of land by Mass. upon his return to the colony. Mass. Rec., iv, Pt. 2.

⁵R. I. Collec., vii, 204.

⁶R. I. Rec., i, 332.

⁷Letter of Leverett to

departure of Williams and Clark for England—measures of the Assembly from May, 1651, to May, 1652, and most of the doings of the November 4th, 1651, session, which was considered one of the most important in Rhode Island history.⁴ Without doubt many of these records were unrecoverable, and on this account many of the members may have thought this the most feasible way of settlement. It was, however, decided, upon a vote to the question, that Coddington's fine about the records should not be returned to him.

The Massachusetts authorities still, in 1656, extending their sovereignty over the Providence Plantations, sent their Marshal General with his subalterns into Providence to arrest Richard Chasmore [who formerly acted with William Arnold of the Pawtuxans and was one of the persons to whom the Massachusetts warrant of May 20th, 1643, to seize John Greene's cattle, was directed] for, Savage says, "probably some crookedness in religion." While he was in the custody of the Massachusetts Marshal in Providence, he was with a Providence warrant rescued from the Massachusetts officers.⁵

No reply was received from Massachusetts to the November letter regarding the subjected families. The depredations of the subjected Indians upon the people of Warwick were unabated and their lawless acts were encouraged by their settlement near them, on that side of the Pawtuxet river, of the Massachusetts agents who supplied them with arms and powder.⁶ Having received no reply to his letter, Williams wrote to Governor Endicott, who, in response to this, offered to suspend the act of banishment yet in force long enough for him to come to Boston; and provisions were made by the town of Warwick for the expense of the journey; but before departing he again addressed a letter to the General Court of Massachusetts in which he referred at length to the lawlessness of the natives whom Massachusetts was sustaining there, and also to the troubles occasioned by the subjected settlers at Pawtuxet. In this letter he said concerning Warwick: "I am humbly confident that all the English towns and plantations in all New England put together suffer not such molestation. It is so great and so oppressive that I have daily feared the tidings." And concerning families at Pawtuxet who subjected themselves to Massachusetts: "Their obstruction is so great and constant that without your prudent removal of it it is impossible that either his Highness or yourselves can expect such satisfaction and observance from us as we desire to render."⁷ The obstructions were not removed by the visit of Williams, but what was deemed gratifying progress was made by an agreement that the controversy should be closed by arbitration.

At the next election, May 20th, 1656, Williams was chosen President. William Harris, now Pawtuxet leader, appeared as a Representative from Providence; Gorton, Holden, Wickes and Greene, and two of the Pawtuxet partners, one of whom was Benedict Arnold, appear as Representatives from Warwick. But could the latter have been seated, for he, a Massachusetts subject and their warrant server, represented only the Pawtuxans and Massachusetts and could have been chosen at only the Pawtuxans' meeting. He had established himself on the Warwick side of the Pawtuxet river as a merchant with Boston goods, and also as an agent for provisions and arms; Massachusetts, proscribing the sale of the latter goods to the Providence and Warwick people, directing him to sell only to the Whites and Indians who subjected to her and to such others as were incited against the townspeople. The sale of strong drink and wine to Indians was prohibited by War-

wick, yet the Sachem Cutohamoke and his company obtained it there. Arnold had before this entertained and dealt with this Sachem, and there is no doubt but that he, and not the Warwick settlers as accused, sold this Sachem and his company their liquor." The business of the trials, *State vs. Coddington*, being called, they were upon his petition and on account of the commotion of the people still prevailing, continued to await further orders from England. Coddington had multiplied the lawsuits against him by getting into violent contentions with Dyre. In this they both signed a paper signifying their submission to an award of five referees, of whom Gorton was one, for the settlement of all difficulty between them.¹

In this year "a new occasion given by an old spirit for oppression arose." People of a new religion appeared on our shores, and the authorities in the other colonies made cause against them and cast them in prison. Undeterred by threatening consequences, Gorton gave them his active and practical sympathy, conveying to them the assurances of his Christian love in hopeful plans for their release and to provide a place where they might enjoy their liberty. "It does not appear," says Judge Staples, "that difference of opinion or religion excluded any from his benevolence or charity."

Four of the early Quaker Missionaries had arrived in Boston. Before they landed, officers were despatched by the government to bring them on shore. After being examined, they were committed to prison, there to remain till the return of the ship that brought them, and then to be carried back to England.

There is conclusive evidence that Gorton was not a Quaker. With the individuals imprisoned at Boston he had no personal acquaintance; no sectarian views or private friendship, therefore, could have induced him to correspond with them, yet on the 16th of September, 1656, he addressed them from Warwick the following:

"The report of your demainor with some others of the same mind with you formerly put in possession of the place of your present abode, as is represented to us, as also the errand you profess you came with unto these parts, hath much touched my heart; so that I cannot withhold my hand from expressing its desires after you. If God has brought you into these parts as instruments to open the excellences of the tabernacle, wherever the cloud causeth you to abide, no doubt but this your improvement shall be an effectual preface to your work, to bring the gainsayers to naught; which my soul waiteth for, not with respect to any particular man's person, but with respect to that spirit of wickedness gone out into the world to deceive and tyrannize; and in that respect my soul saith, O Lord, I have waited for thy salvation. But our Lord may please to send some of his saints unto us to speak words which the dead hearing they shall live. I may not trouble you further at this time, only if we knew that you had a mind to stay in these parts after your enlargement [for we hear you are to be sent back to Eng.] and what time the ship would set sail, or could have hope the Master would deliver you, we would endeavor to have a vessel in readiness when the ship goeth out of harbour to take you in and set you where you may enjoy your liberty."²

Callender says that Gorton "was strenuously opposed to the doctrine of the Quakers."³ He, however, indulged in no personal abuse of them, or of anyone for their differing with him in doctrine or religion. In

i. 322, 341-345.

¹Warwick Town Orders, ante pagina. Warwick letter to Mass., post pagina. The Lands of R. I., 42, 43.

Hildreth's Hist. U. S., i, 398.

²Gorton's letters to the Quakers in full in

Staples Ed. Simp. Def., R. I. Collec., ii, introduction.

³Nar. Club, vi.

⁴R. I. Collec.,

the debates with the Friends at Newport, Providence and Warwick, in which Williams, Gorton and others engaged and out of which much bad feeling arose from the accusations and personalities indulged in by some of the debaters, the records⁴ show that, although Gorton was rated a disputant quite the equal of any,⁵ he was deficient in the then common "talent of being disagreeable to all those whose belief and practices differed from their own," he almost alone escaping the charge of having uttered unkind words against them. His Quaker friends, solicitous in his behalf, complain that Priest Wilson would have him put to death for differing with him in religion.

Had the benevolent project of Gorton been carried out, the little company of Friends would have been the earliest apostles of the new faith on the shores of the Narragansett. In their reply they stated that the master of the vessel had been placed under such heavy bonds to set them ashore in England as to render the undertaking hopeless.⁶

Other admirable letters of Gorton's in defense of the Quakers followed. Of his above correspondence Judge Staples says: "The sentiments and feelings which it displays are the more to be honored and appreciated, because in his time, and in this country especially, they were seldom avowed." It is a high achievement to be tolerant toward others in matters of religion even to-day.

Benedict Arnold had, since the May Assembly last, moved to Newport and become the leader of the Pawtuxans' adherents there. He was made President at the May, 1657, election.

At the March, 1657-8, sessions a letter from Sr. Henry Vane was read and given to Mr. Gorton. Samuel Gorton and Benedict Arnold were ordered to draw up an answer to the request of the United Colonies, that the Providence colony should remove the Quakers and prohibit their coming into it; to which letter the clerk should subscribe. Arnold and Gorton did not agree upon a letter, and both wrote one. "We conceive," wrote Arnold, "that their doctrines tend to very absolute cutting down and overturning relations and civil government among men if generally received. But as to the damage that may in likelihood accrue to the neighbor colonies by their being here entertained, we conceive it will not prove so dangerous (as else it might) in regard to the course taken by you to send them away out of the country as they came among you." Arnold's conservative letter (although imputing the overturning of civil government to an acceptance of the Friends' doctrine) he, Arnold, subscribed to.⁷ Gorton's radical and characteristic letter the clerk subscribed to as the court directed. Gorton's letter reads: "Now whereas freedom of different consciences to be protected from enforcement was the principal ground of our charter, both with respect to our humble suit for it, as also to the true intent of the honorable and reverend Parliament of England in granting the same to us; which freedom we still prize as the greatest happiness that men can possess in this world: Therefore we shall for the preservation of our civil peace and order the more seriously take notice that these people and any others that are here or shall come amongst us be impartially required, and to our uttermost constrained to perform all the duties requisite toward the maintainage of the right of his Highness and the government of that most reverend Parliament of England in the colony; which is most happily included under the same domain and graciously

iv, 9.

⁴Firebrands Quenched, 232, 247. Apx. New England Judged. Geo. Fox Dugged out of His Burrows, Mather's Magnalia. Williams' letter, Proc. R. I. Hist. Soc., 1875-6. Mackey's Life of Samuel Gorton.

⁵R. I. Hist. Pub., New Ser., iii, 210.

⁶Nar. Club, v, Intd., 3, 4, 20, 43.

⁷R. I. Rec., i, 376-378.

⁸R. I. Rec., 378-380.

⁹Arnold's Hist.

taken into protection thereof. Humbly craving their advice and order how to carry ourselves in any further respect toward these people, that therewithall there may be no damage or infringement of that chief principal of our charter concerning freedom of conscience. And we also are so much the more encouraged to make our address unto the Lord Protector, his highness and government aforesaid, for that we understand there are or have been many of the aforesaid people suffered to live in England: yea, even in the heart of the nation. And thus with our truly thankful acknowledgement of the honorable care of the honorable gentlemen Commissioners of the United Colonies, for the peace and welfare of the whole country, as expressed in their most friendly letter, we shall at present take leave and rest."⁹

The doings of Harris, Pawtuxet leader, engaged much of the attention of the Assembly during the May sessions. He with others of the party, the Massachusetts subjects, persisted again in the refusal to pay taxes, in which action they were protected by Massachusetts. He openly denied the obligation of obedience of himself and others to the government,⁹ and made, according to Williams' charge, "notorious attempts to draw all the English subjects of the colony into a traitorous renouncing of their allegiance and subjection." A complaint was filed against him which grew into a charge for high treason, and the court directed the Attorney General to take charge of the case.

At the following June, 1657, sessions John Easton was made Attorney General, and he and John Wickes were ordered to propose to the Assembly the course of the Harris trial. Upon the hearing the court declared his conduct to be both contemptuous and seditious;¹⁰ and the Assembly then directed the papers, comprising Harris' writings, the charge against him and his reply to be sent to Clark to lay before the English government; directing Clark to command the matter in our and the Commonwealth's behalf for further judgment; and held Harris in the sum of £500 sterling, with his son Andrew, to perform the order of the court. The ship by which the papers against Harris were sent was lost.

In May, 1658, Mary Gardner, a Friend, resident of Newport, wife of one of the Island Commissioners, and the mother of many children, with one babe at her breast, was, while attending a Friends' meeting taken by the Massachusetts authorities to Boston before John Endicott, who sentenced her to be whipped with ten lashes, as well as her companion Mary Stanton who accompanied her to help bear the child. After their very sore journey and (according to man) hardly accomplishable, through a wilderness of above sixty miles between Rhode Island and Boston, the whipping was bloodily executed upon their bare backs with a three-fold knotted whip of cords, and then they were continued fourteen days longer in prison.

The further consequence to the Providence colony from the official presence of Massachusetts subjects had become a matter of greater agitation, since one of them had become the Governor; and they were commanded to get out from one or the other colony. Accordingly, during May and June of the year 1658, William Arnold, Benedict Arnold, William Carpenter and Robert Cole of the Pawtuxet party, who had sixteen years before subjected to Massachusetts, and had so long escaped taxation and been the cause of much of the trouble, were upon their petition discharged from allegiance to that government, and became freemen of the government at home in which they had been

R. I., i, 262.

¹⁰R. I. Rec., i, 364.

⁹William Arnold and William

holding office.¹ The elder one of the Arnolds soon after complained to the Massachusetts Court and petitioned them for an addition to the payment he had received for services rendered them. In his complaint he stated that some of the cattle of Gorton's, which had been turned over to him, had been "gotten away from him and he had been put into very much trouble" by it; that a number of Warwick people had obtained judgments against him in the colony courts and he had been obliged to pay at one time "£10," at another "£60," and at other times "great costs and damages." The Massachusetts Magistrates, moved by this humble petition, replied to him that as he had left the protection of the Massachusetts Court and their jurisdiction, and joined with the people of whom he complained, they judged it not equity that the court make him satisfaction; but that he might have liberty to reimburse himself by again seizing upon the persons and estates of these people.²

CHAPTER XVI.

Gorton's letters to Cromwell and to Clark defending the Quakers—Pawtuxans substitute forged deed for that of Williams—Deeds confirming the fraud—Papers secretly recorded in Massachusetts—Williams' declaration: "Confirmation of no reality. Myself, Providence and Warwick robbed"—The Providence government applies first to the King for a new charter of government—The Arnold-Pawtuxans delay Clark's commission from Providence government until after Winthrop, Jr., had secured the Connecticut charter of government—The Pawtuxans' motives—Trouble ensuing—Petition of Warwick men to the King—Letter to the court of Massachusetts—New charter received—The King's order—The Narragansett Indian grant confirmed—The death of ex-President Smith.

In the Assembly, November 2d, 1658, Mr. Gorton with three others drew up a letter to Mr. Clark to be presented to his Highness and Council, in defense of the right of asylum granted to the friends by the government of the Providence Plantations. The letter mentioned the papers in the case against Harris, sent the year previous, the wreck of the vessel and their loss, and that new papers in the case were ordered which could not be gotten ready to send with this letter, but would be sent "by the next opportunity." It acknowledged the love for Mr. Clark by the colony and their further trust to his council and care. It then proceeds as follows: "We have now a new occasion given by an old spirit with respect to the colonies about us which seems to be offended with us because of a sort of people called by the name of Quakers, who are come amongst us and have raised up divers who seem at present to be of their spirit; whereat the colonies about us seem to be offended with us being the said people have their liberty amongst us, and entertained into our houses, or into our Assemblies; and for the present we have found no just cause to charge them with the breach of the peace. And the offense our neighbors take against us is because we take not some cause against these people. Sir, this our earnest and present request unto you in this matter, that as you may perceive in our answer to the United Colonies, that we flee as to our refuge in all civil respects to his Highness and honorable Council, as not being subject to any other in matters of our civil estate; so may it please you to have

Carpenter petitioned, May 26, 1658, to be released and their associates joined them in the petition June 1, 1658. Mass. Rec., iv, 332, 333. Book Notes, Vol. 23, No. 22.

²William Arnold's Petition and the Mass. Magistrates'

an eye and care open in case our adversaries should seek to undermine us in our privileges granted unto us, and to plead our cause in such sort as *we may not be compelled to exercise any civil power over men's consciences*, so long as human order in point of civility is not corrupted or violated; whereof many of us have large experience and do judge it to be no less than a point of absolute cruelty. And so with our hearty love, etc. Warwick, November 5th, 1658."³

On February 7th, 1658-9, the Pawtuxet party, by its leaders William Harris and William Arnold, reinforced the evidences of the Pawtuxan claims by submitting to the town meeting of Providence fraudulent writings, in what they falsely declared in the following words to be a genuine copy of the original Indian deed to Williams:

"The seventh of the twelfth month, 1658-9, at our Town Court, William Arnold of Pawtuxet came into this present court and did acknowledge that these two copies, to wit, of William Harris' and Thomas Olney's and which hath these words in them as followeth are the true words of that writing called the Town Evidence of Providence; and that which is wanting in the now writing called the Town Evidence which agreeth not with those copies was torn by accident in his home in Pawtuxet."⁴

This pretended copy of the original deed contained the forged 1639 dated memorandum, before mentioned, and an interpolation in the torn portion, the whole describing more than one-half the lands in the present State.⁵

Following this came three writings obtained by Harris and partners from the living Sachems, by which they "confirm" the supposed acts of their revered deceased Chiefs Cannonicus and Miantinomi.⁶ They all bear date 1659-60, one year after the fraudulent deed was shown in town meeting. The conspiracy was now complete. The three deeds "confirmed" to them the lands along the river Pawtucket and Pawtuxet and the land between them, and, as a matter of course, under the transfer of October, 1638, and the "combination" dividing line recorded at Boston in 1650, by which all lands west of the line went to the Pawtuxet purchasers, all of the new lands "confirmed" by the younger Sachems fell to the Pawtuxet owners. Harris and his partners now owned eight-tenths, and their claim antedated and included John Greene's purchase, Gorton's purchase, and the whole territory, whether owned by Indians or white men, of what is now the State of Rhode Island, north of the present town of Exeter, a tract comprising not far from three hundred thousand acres.⁷

From the reading of Williams' letters, printed in the Narragansett Club and other publications, it seems that the largest share of his time was employed in combating the pawtuxet claimants' pretensions. He exerted himself continuously and to his very utmost against them. His protestations that "Harris hath robbed us," and "Both our towns (Providence and Warwick) and myself have been notoriously abused and robbed," and "Prodigious and wonderful to me how they can squeeze out a confirmation from ye surviving Sachems of what had no reality no more than dreams and castles built in ye air,"⁸ and like protestations of Gorton, Greene and all loyal others, were for the time

Reply, R. I. Collec., ii, 207-212.

³R. I. Rec., i, 305-309.

⁴Early

Rec., iv, 70.

⁵The Lands of Rhode Island by Sidney S. Rider, Prov., pp. 67-112.

⁶R. I. Rec., i, 35-38. Staples' Annals, 567-569.

⁷2d R. I. Hist. Tr., No. 4. Book Notes, Vol. 22, No. 4. "The Forgeries connected with the Original Deed given to Roger Williams by the Sachems" and "Lands of R. Island," Sidney S. Rider, Portsmouth Rec., i, 93.

⁸Further condemnation of the Pawtuxans' work in Williams' letter, R. I. Hist. Tr., No. 14.

powerless to prevent the Pawtuxet claimants' advancement. Such predominance did they obtain over the Providence Council that in town meeting, April 27th, following the receipt of the "confirmatory" deeds, it was ordered that William Harris and John Sayle should levy upon every man of Providence what he should pay of the expense incurred in confirming the Pawtuxet land title.⁹

At a May sessions of the Assembly a commission was ordered to be made out and sent to Clark in England.¹⁰

On June 1st, 1660, Mrs. Dyre, the wife of William Dyre of the Island, was, while within the jurisdiction of Massachusetts, taken before their court, tried and sentenced to death for thrice visiting Boston, she being a Quaker; and suffered, regardless of all the mainland and Island people could do to prevent, and her husband's pathetic pleadings, the death penalty on Boston Commons. This was five days after Charles the Second had ascended the throne of England, but about five weeks before his accession to the throne was known in New England.

When the August Providence Plantations Assembly convened, their former order to send Clark his commission had not been complied with and the order was repeated at this sessions.

At the October, 1660, sessions His Majesty's Declaration was read and ordered proclaimed to the people. Former sessions had resolved to send instructions to Clark to proceed with the colony's business in England and to send him a commission from the government, which he before never had, he having gone as the agent for the loyal or liberal party on the Island, after the secession of the Island from the government led by Coddington. Notwithstanding this, the engagement of Clark and supplying him with his credentials had been delayed and was prevented by those opposed to him, by securing a committee composed entirely of themselves, to whom they had the order for carrying it out entrusted six Pawtuxan and the old Coddington party men. These, "or any fewer of them," were intrusted to write to Clark and to send a commission to him if they thought "it necessary." The placing of this business in the hands of these men and entirely at the discretion of themselves, or so few as one of them, shows to what extent the Pawtuxans and their Newport allies were in control and how they dominated the government.

The committee as provided did not think it "necessary" to send Clark a commission. He had but too recently gone to England as their opponent and complainant, and had been instrumental in having them deposed from the Island government, and it was quite soon for him to plead for them the favor of office. The Assembly now again ordered Clark's commission sent to him, and again men of the same party, Benedict Arnold and William Baulston with the Recorder, were constituted the committee to draft and send it to him.² As a consequence, it was withheld from Clark; and Mr. Merrick and Alderman Peck of London were employed as foreign agents, and the papers and a petition sent to them.³

The Massachusetts Court, called in October, refused to proclaim the new King or to address him. In November the Massachusetts Magistrates received word from Leverett regarding the complaints which were preferred against them to the King and Council, and a General Court was called and an address, essaying to justify the imprisonments and executions complained of, was drawn up to the King on December

⁹Early Rec., ii, 127. Lands of R. Island.

¹⁰R. I. Rec., i, 42.

¹⁰R. I. Rec., i, 414, 421.

²Oct. 18, 1660, R. I. Rec., i, 433.

³Williams'

19th and sent to him.⁴ To this the King replied in a letter dated February 15th, 1660-1, offering them immunity from their past offenses and promising them the liberty which he had declared to all his subjects;⁵ to which the Massachusetts Court, on August 7th, gave due consideration, enacted that His Majesty should be proclaimed, and drew up an address to him which they did not for the present send to him. On September 9th, 1661, the King, having been informed that a number of the Quakers were imprisoned, a number of them had been executed, and others were in danger of undergoing the like, issued a mandamus to the Massachusetts government, commanding their compliance with his former orders, and that if there were any Quakers condemned to suffer death or other corporal punishments, or imprisoned and obnoxious to the like condemnation, to forbear to proceed any further against them; and to forthwith send them, whether condemned or imprisoned, over to England for trial.⁶

This mandate was received by the Massachusetts Court in November, and they forthwith proceeded to declare that the necessity of preserving religious order and peace had rendered the enactment of laws against Quakers necessary, and concluded by saying, "All this notwithstanding their restless spirits have moved some to return and others to fill the royal ear of our Sovereign Lord the King with complaints against us, and have by their unwearied solicitations in our absence so far prevailed as to obtain a letter from his Majesty to forbear their corporal punishment or death; although we hope and doubt not but that if his Majesty were rightly informed he would be far from giving them such favor, or weakening his authority here, so long and orderly settled. Yet that we may not in the least offend his Majesty this court doth hereby order and declare that the execution of the laws in force against Quakers as such, so far as they respect corporal punishment or death, be suspended until this court take further order."⁷

For the Massachusetts Court to send their prisoners to England would be to send "loud and swift witnesses" against the Massachusetts government. If they had no prisoners they could not send any; so they cunningly met the emergency by discharging the prisoners from custody; and they appointed Simon Bradstreet and John Norton to proceed to England to present their address and declaration, to assure the King of their loyalty and to secure the interest of those who might have influence with the King and his Chancellor; but they did not depart until nearly three months after.⁸

At the May Assembly and election of the Providence Plantations, William Brenton of the Island was chosen President. Although the employment of another agent than Clark, either alone or as an associate, was distasteful to the loyal party, William Brenton, Benedict Arnold, William Dyre, Randall Holden, John Greene, Samuel Gorton, and Roger Williams were put in nomination for a choice of one or two to be employed with Clark at the Court of Charles the Second.⁹ In the direction of a new charter, Roger Williams, William Fields and Zachariah Rhodes of Providence, John Porter, John Roome and William Baulston of Portsmouth, Benedict Arnold, Joseph Torrey and William

letter, R. I. Rec., i, 351, ante p.

133. Mass. Rec., iv, Pt. i, pp. 449-456.

⁴Ryerson's *Loyalists of Amer.*, i, 132. ⁵*Loyalists of America* by Egerton Ryerson, D. D., LL. D., Vol. i, p. 135. Hutchinson's Papers, 33, 334, or ii, 51, 52.

⁶King's Mandamus in Hazard's Collec., ii, 595 and in Sewall's Hist. of the Quakers. Reference thereto in Mass. Rec. iv, Pt. 2, p. 34.

⁷Declaration of the Mass. Court of Nov. 27, 1661, in Mass. Rec., iv, Pt. 2, p. 34. Hazard's Collec., ii, 596.

⁸R. I. Rec., i, 442.

⁹R. I. Rec., i, 445, 446.

¹Lands of R. Island,

Brenton of Newport, Samuel Gorton, John Greene and John Wickes of Warwick were selected as a committee to receive the old charter from Williams, to send it to England, to draw up an address to his Majesty in behalf of the colony and to give copies of it, together with a copy of the subjection deed of the Narragansetts to the agents employed, for the use of the colony in England.¹⁰ This was a working committee, the aggressive members of the loyal party having secured place upon it.

The lands Potowomut had been purchased for "the inhabitants of Warwick." Trouble regarding it ensuing, the deed was turned over to Benedict Arnold for the use of the colony. It was not turned over to the colony and fell into the hands of private owners.¹

The following was sent by Gorton to the General Court of Massachusetts:

"After our long continued patience and forbearance in lying under the burdens of wrongs and injuries, which you have done unto us; waiting to see when your own ingenuity would prompt and provoke you to return unto us some responsible satisfaction; but seeing no appearance thereof, but the continuation of oppression, in withholding our rights, in not releasing our tedious exile; in some of yours irregularly intruding upon our lawful liberties; and in your encouraging of the Indians to oppress us intolerably to this day, presuming upon your protection therein and threatening of us with your maintaining of them in their doings continually; and when some (out of compassion) have laid our wrongs open before the Commissioners of the United Colonies, some of the chief of you, whom we spare to name, have answered with great zeal 'Let them alone; let the Indians destroy them.' Therefore, think it not much that we are now at the last constrained to appear before you in these our lines, to present unto you our long resented and now resolved thoughts. Our grievances we briefly reduce into these four heads, which, as occasion shall serve and call for, we shall amplify, prove and express every one in their several particulars, viz.:

"1. Your cruel and unjust seizure upon our persons and estate, by Capt. George Cooke, Edward Johnson and Humphrey Atherton, commissioned by you with the soldiers, both English and Indians under their command; sent against us, His Majesty's subjects, who live peaceably, doing harm to no man, and far out of all your jurisdiction. Your above said soldiers, contrary to law, in an hostile manner, broke open our houses, spoiling our bedding by lying on them in their trenches, living upon our cattle in the time of their besieging us, and driving away the rest of our great cattle, amounting to a great number, into the Massachusetts, and there disposing of them to your use; also when we did hang out the King's colors, to signify to whom we did adhere, your soldiers shot them through and through immediately; and, contrary to your Commissioners' and soldiers' agreement with us, that we should go with them as neighbors and freemen unto Massachusetts, to answer anything that could be objected against us, which said agreement of ours was on purpose to save the spilling any blood, upon which we invited them into the house wherein we were besieged, they immediately, upon their entrance into our said house, seized upon our arms and persons, carrying us all away as slaves and captives, leaving our houses and necessities in them to be pillaged by the Indians, who accordingly did destroy our goods and habitations by fire and otherwise; our wives and children being fled into the woods and other places

for safety, but in regard of hardships sustained herein, to some of them it proved loss of life and to others loss of limbs.

"2. The second general head of our grievances is, our false imprisonment for the space of one whole winter season and more, lying in chains and fetters of iron, and yet to work for our livings by the sentence of your court, or else to be starved, according to the doctrine of the chief of your ministers, preached for the edification of the people in the same season; and when in your court privately held, you put us upon questions concerning our religion, thinking to ensnare us, having nothing else to object against us, telling us that we answered upon life or death, we told you that we could not give you your due honor in the place where you sat; but as you were related to the King's Majesty, who had committed the same unto you (though out of your jurisdiction, we held ourselves to stand in a neighborly relation unto you); and therefore told you that we acknowledged the King and his laws to be the fountain and head of your government; and that if it were so, that you prosecuted us to take away our lives after our goods, we did then humbly make our appeal to the King's Majesty for our trial, and could not be heard; but not having the breach of any law against us, you put it to the major vote whether we should live or die; and being our lives escaped only two votes, as some of the deputies of the General Court informed us, some of you would have it put to vote again, only the Governor answered it was the finger of God and it was the best to let it pass as it was. Our imprisonment, as above said, after this was done, was a time which had many hours in it, wherein you had hope to get something against us by one means or other; but if every hour wherein you sought this (by our own law) answer the King's laws for such imprisonment it will amount to some considerable account upon your score.

"3. The third general head is, our causeless banishment and exile continued upon us unto this day, which is now upon the expiration of eighteen years; not only to the disgrace of our persons, in making us appear obnoxious in the eyes of men, as though we were guilty of some notorious crimes, but also to the depriving of us of common commerce amongst men, whereby we have for so long time been hindered of the benefit of the course, opportunity and state of things in the country, in way of trade, in regard of the places of exportation and importation of all commodities being amongst you, where we by your law may not come, upon peril of death; and yourselves know that many amongst you and some nearer to our abodes, being favored and encouraged by you (since the time of our unjust punishment), raised their estate to the sum of many thousand pounds a man, whilst we have sat under oppressions intolerable; having things not at the second, but at the third or fourth hand, for the necessary supply of our families, to mitigate their groans under the burdens which you have laid upon us, which groans have gone up. And yourselves know also that divers of us were in as good capacity (if not better) to have advanced our estates as many of those who are so increased, when Captain, Lieutenant and soldiers came first against us, when yourselves had nothing to do, unless you took yourselves to be the only reformers of the world, to bring them all to the bent of your bow, as the chief of your ministers have professed; that so far as you found yourselves to have the power of the sword, you ought to subdue all to the form of your Church and State.

"4. The fourth general head of our complaint is, the great charge and expense you have put us unto, for the recovery and repossessing of our lands, which you had seized upon, as well as upon our persons

and estate; banishing us from them also, though under deceitful and ambiguous terms, taking that for granted which was not true; according to other of your dealings towards us, as evidently shall appear in its due place and season, whereupon we were necessitated, for supply of our present wants, to make use of our friends beyond modesty and all ordinary courtesy, when you had cast us out of house and harbor and place of abode, taking from us not only our goods of all sorts, which were our livelihood, but our lands also; leaving us destitute of any place wherein we might employ ourselves to sustain our wives and little ones; thinking thereby either to drive us among the Indians remote, to our ruin, or else to the Dutch Plantation, where many of our English people, men, women and children, were so inhumanly massacred immediately before (by the barbarous Indians in those parts), which was one effect of your banishing them from among yourselves. In this case, we, being deprived of all liberty to pass through any of your plantations, to go for England, to make known unto the King's Majesty; being put in trust (also) with the chief Sachems about us, who earnestly desired to submit their persons and lands unto His Majesty's protection, seeing yourselves laying claim unto and prosecuting by the sword for such large dominions in these parts, perceiving that we were delivered out of your hands, beyond all expectation, and that we professed ourselves to be subjects and servants to the Great Sachem of Old England. We were upon this twofold occasion forced to travel to the Dutch plantation to take shipping, where we lay long upon expense before an opportunity could be had; then transporting ourselves into Holland we lay long there again for a passage into England. When arrived, your friends and agents did what they could to hinder the dispatch of our business, thinking thereby to wear us out in the want of means to maintain ourselves; some of your chief friends, both in England and also of this country, being of the committee to which our business was referred, by which means the time was much prolonged before a termination of the justice and equity of our cause. And yourselves know that *the said committee were pleased to take notice (in their letter concerning the repossessing of our plantation) of our modesty and moderation, in that we did not for that present time urge or sue for reparation of other wrongs we underwent*, because of the troublesome times in those days. But we were willing to stay till a better and more fit season offered itself; only the repossessing of our plantations was of present necessity; whereupon we might labor with our hands for the preservation of our wives and children; which they most willingly granted unto us, seeing that justice and equity called for the same. The accomplishment thereof in our loss of time, expense of money and arrearages, our families were forced in our absence (which absence was not only from our families in our voyage for England, but also from our lands from which you had banished us), was no small charge, for such as you had left naked of all manner of help, thinking thereby to tread us under foot forever, and our children after us, such as should never be able to use any means for any satisfaction hereafter. If the great cattle you took from us be well calculated according to ordinary increase for so many years, as you have the use and benefit of them, it will amount to a very considerable sum, besides all other charge and detriment; and we understand that now is a time of repairing of losses and righting of wrongs, formerly done in our native country, where we doubt not our wrongs will be taken into consideration among the rest. And though yourselves would not allow our humble appeal to the Royalty of the late King, yet we hope you will not hinder our humble addresses unto His Majesty that now is.

Wherefore considering the premises as things shall be explained and amplified according to the particulars necessarily comprised, which you cannot be ignorant of, and being that we respect you as gentlemen of the same country out of which we came, also as neighbors here in this remote wilderness, and respecting you as wise and understanding men, we are, in the truth and sincerity of our hearts (for neighborly peace and society in these His Majesty's dominions), willing to propose unto you judicious and serious consideration, viz.: That if, in your judgments, you shall be pleased to propound unto us such a plausible way (which may stand with His Majesty's authority and not prejudice nor demean our cause) for a home composure of these differences, unto moderate satisfaction, we shall most willingly and freely address ourselves thereunto. Otherwise, take knowledge, that our resolution is, with all convenient speed to make our humble addresses to the King's Majesty, in way of petition and particular declaration thereupon, that His Majesty will be pleased to determine the matter by his council, or whom His Majesty shall be pleased to appoint. We understand that yourselves have received good encouragement from His Majesty of late, which is our encouragement also that he will the more willingly take the cause into consideration. Take knowledge, therefore, that we do, by these presents, give you seasonable notice of our intended proceedings about the premises, that so you may be ready to make your best defense. And of this warning given unto you we keep a copy, testified unto by sufficient witness; it being a seasonable time now, fitting your opportunity, for we understand that your agent has lately come over out of England and is shortly to return thither again, so that you may give him full instructions for the management of your cause. This also you may be pleased to take cognizance of that if you put us unto the prosecution of our intended resolution, in our humble addresses to His Majesty, the damage which we shall charge upon you will amount to a very great sum, as by visible demonstrations and rational and undeniable calculation and account it shall appear; besides our false imprisonment, and wrongs done by Indians in killing our cattle, planting and wearing out our best land, pilfering and purloining our goods, etc., for the space of so many years, whom we expected to be removed without delay. If we hear not from you speedily concerning the premises, then we take it for granted that you put us to the prosecution of our abovesaid resolution, and intend to give us a meeting in England, for the intent and purpose as aforesaid. We conclude, with our desire to know of you, whether you count us free in point of egress and regress in any of your plantations or jurisdiction, to go about their or any other of our lawful employments without disturbance as free subjects of His Majesty in his dominions, carrying ourselves (as in our constant custom and practice we have done) according unto the rules of humanity and sobriety. And if we have not a speedy answer from you in this point also, we shall consider you hold us still as under the bondage of a causeless banishment; and we shall seek to accommodate ourselves elsewhere for transportation, to obtain redress. And so we take our leave, and remain, though poor, yet your loving and peaceable neighbors. From Warwick in the Colony of Providence Plantations, the 22d of August, 1661."

The commission for Clark, which was ordered drawn out in May, 1660, and at each subsequent sessions, was still withheld from him by the adverse committee who had it in charge. And its forwarding was still further retarded by the Assembly or Governor Brenton at the August 27th Assembly session, appointing Benedict Arnold and William Dyre with the Recorder Torrey, another more inactive committee,* to

take charge of and send it to him. The tactics were much the same as those which were by these same men made use of in 1653 to dictate the terms of re-union by withholding the Council's letter.

At the May election of 1662 Benedict Arnold was chosen President. The General Court at two different times during the year, both sessions held at Warwick, addressed letters to Massachusetts to convince them of the justice and necessity of their resolution to preserve and defend the privileges of the colony and its jurisdiction "to the eastward of Pawcatuck river:" "Especially considering that you (Mass.) have by a more particular and especial instrument from your Lord's Commons for Foreign Plantations under his Majesty our Sovereign Lord the King, been absolutely prohibited from entering upon any part of this jurisdiction. We do promise you that we will live by you in all loving and quiet sort, not doubting but we shall be supported therein by the divine power, and in due season also, to be thereby enabled to persuade such as now intrude here upon us to decline their insolent proceedings. And we withal do declare that if any of ours at Pawcatuck or elsewhere in the colony have entered on the just rights and interests of any (whom you call your subjects, either English or Indians) illegally, that upon complaint legally made unto our Court of Justice, held in the name and by the authority of his Majesty in this colony, they the aggrieved parties shall have redress in all just and equal manner."

The loyal and liberal party was this year successful in electing Roger Williams President of the Town Council of Providence. The Pawtuxans' "confirmation" deeds held by Harris were on April 4th put on record. On the same day the original deed to Williams of Mooshasuck was recorded. The Pawtuxet party had prevented this being done before, vowing that theirs was a correct copy.⁶

On July 27th of this year a deed made on April 9th, 1662, by Samuel Gorton—his wife Mary joining—of Pawtuxet land, which "was passed from Robert Cole unto himself by a deed bearing date the 10th of January, 1641,"⁷ was prevented by the Pawtuxet party from being recorded; their claims antedating and covering "all the lands purchased by Gorton and his companions."

Throughout the colony and in the Assembly the selection of the individuals upon whom the government should, in the event of a new charter, devolve, was a grave matter of contention; the government under the present charter now being officered principally by members of the Coddington and Arnold organization who were unwilling to yield them up to others. An assemblage made up largely of Newport men, and in which Benedict Arnold was named as the President, was, as a necessity to avoid more serious delay, acceded to by the loyal party. Undoubtedly, Clark would if unhampered have named an ever loyal man to head the government, although the naming now of any other than the present incumbent, Arnold, for the place would have resulted in deposing him from office. The Pawtuxans, Arnolds and Coddingtons now being dictators upon the matter urged for any charter, agreed that Clark should proceed alone with the colony's business, that all the papers should be delivered to him, and the commission which had been made out to him, but which the committee in charge yet

⁶R. I. Rec., i, 469, 470, 495.

⁷The original Williams' deed is preserved at Providence. A photo engraving of it and also a copy of the fraudulent copy which the Arnold Pautuxans prepared can be had of Sidney S. Rider of Providence. Book Notes, Vol. 2, No. 4. The Lands of Rhode Island. The Arnold forgery was not, during the lives of both father and son, recorded.

⁸Early Rec. Book, iii, p. 13; printed copy, ii, 26.

Ser. R. I. Hist. Tract No. 4. Sidney S. Rider.

⁹The Forgeries, 2d. R. I. Rec., i, 448. Book

detained, should be sent to him.⁸ Yet some of the opponents of Clark, not having gained all they wished, refused to support the program adopted and persevered in acting independently and obstructing and longer delaying the urgently needed proceedings.

The Massachusetts agents, Bradstreet and Norton, who went to England, were met in London by Clark and Holmes and by a number of Friends, among them John Copeland, whose mutilated ear was a swift witness against them of the trials and persecutions he and his fellows had suffered in Boston. George Fox was present at the conference with them and questioned the agents so closely that they became confused.⁹ The Rhode Island men, Clark and Holmes, met these agents before the King and exposed the falsity of their profession of toleration and obedience, and challenging them to cite one single act of duty or loyalty in support of their profession as loyal subjects.¹⁰ Yet the King continued to Massachusetts their privileges, as they promised they would act with loyalty and toleration in the future; and Bradstreet and Norton presently returned, bearing a royal letter dated June 28th, 1662, in which the King recognized the church and promised oblivion of past offenses; but he demanded the repeal of all laws inconsistent with due authority, an oath of allegiance to the royal person, as formerly in use, but dropped since the commencement of the late civil war, the administration of justice in his name; complete toleration for the Church of England; the repeal of the law which restricted the privilege of voting and tenure of office to church members, and the substitution of property qualifications instead; finally, the admission of all persons of honest lives to the sacraments of Baptism and the Lord's Supper.¹

The "Petition of John Clark and others of Rhode Island,"² which was under the direction of the committee, was finally delivered to Clark and was presented by him to the Councillors of the King. It was for a confirmation of the present charter, and recited that the petitioners did in the year 1643 secure from the Commissioners of Plantations a charter of incorporation, whereby they were empowered to choose their own officers and to make their own laws with the limitation that they should be so near the laws of England as the nature of the constitution of the place would admit; and that having grounded the government thereon, they humbly craved they might find such grace in his Majesty's sight that under his wing they might not only be sheltered, but caused to flourish in their civil and religious concernment. And the commission, which was made out and dated October 18th, 1660, over two years ago, was delivered to him. It authorized him to act as the agent of the colony in perpetuating the liberties and boundaries and amenities of the colony according to the true intent and meaning of all contained in the charter "bearing date one thousand six hundred and forty-three;" the old charter which those who drew the commission once so earnestly opposed, but under which they now were installed in office.

There is not a word regarding religious liberty in this 1643 charter, although to be protected from enforcement was, as Gorton said, the principal ground for it. It provided this by granting the people full authority to rule themselves in a form agreed to by the greater part of them. This was sufficient only as long as the people's will could be expressed. Now constitutional prohibition of religious enforcement

Notes, Vol. 22, No. 4.

⁸Bryant's Hist. of the United States, ii, 197.

⁹Clark's Ill News from New England, 4th Ser. Mass. Collec., ii. Loyalists of Amer., i, 143.

¹⁰Hildreth's Hist. U. S., i, ch. xiv, 453. King's letter in

Loyalists of Amer., i, 140, and in Hazard's Collec., ii, 605.

²R. I. Rec.,

was desired to permanently assure it. "The only safety," Gorton said, "was in prohibiting the Magistrates to intermeddle between God and the conscience of men."

A letter and the "Address from Rhode Island to King Charles the Second" was sent to Clark by the select men; the address setting forth "that it was much on their hearts if they might be permitted to hold forth a lively experiment, that a most flourishing State might stand and best be maintained with a full liberty in religious concernment; craving to receive from his Majesty a more absolute, ample and free charter of civil incorporation, while permitted with freedom of conscience to worship the Lord our God."

While Clark was delayed by the withholding of his credentials, John Winthrop, Jr., was engaged in advancing the passage of a charter for Connecticut, which described that colony's bounds as east upon the Narragansett river.⁴ The draught of this charter thus preceding that of the Rhode Island charter came finally before the Council board before the objectionable portion was revealed to Clark, and he could not at this stage combat it. Winthrop says: "Mr. Clark might have done their business before my arrival, or all the time since. I should not have offered anything therein. Why he did not act about their business before, when he would have none to oppose, or all the time when he should have no opposition from myself or any other, I know not the reason. I had not the least intention of wronging them."

The Providence and Rhode Island grant was to Pataticuck river, at that time also called Narragansett river. The Council explained that they did not intend to grant away from it any of its territory. Winthrop agreed with Clark upon the terms "Pataticuck river called Narragansett river," and this line of division was, not however without many years of troublesome and expensive trials for both colonies, sustained by the King's Commissioners.⁶

Benedict Arnold was for the year 1663 elected President of the colony, and five of the six Providence Representatives chosen were also of the Pawtuxet party. The Pawtuxet party also obtained a two-thirds majority in the Providence Town Council; and again ordered that no land should be granted within the Pawtuxet claim. A struggle in the Assembly and local courts, led by Harris, for the possession of the lands they claimed, followed; Harris, by electing controlling majorities in the Town Council and General Assembly, attempting politically to accomplish his object.⁷ Although but four men held eight of the ten shares in this claim to nearly the whole State, it is not surprising that these few should have so large a following; for the land, the stake for which they played, was of such monstrous financial value that their success would insure the dispensing of rich bounties to their friends.⁸

At a General Assembly held at Newport on November 24th, 1663, the new charter from Charles the Second, brought over by Capt. Baxter, was read. The earnest struggles for religious liberty had, in the constitutional prohibition of the exercise of civil authority over men's consciences, gained the final victory. It limited the power of civil government to civil things. The charter recites from the Committee

i, 485.

⁵R. I. Rec., i, 489-491.

⁴R. I. Collec., iii, 190-213.

⁶Mass. Archives. Arnold's Hist. R. I., i, 380.

⁷The use in the Conn. charter of the name Narragansett instead of Pataticuck for the boundary river was doubtless the work of Harris, who had been made the paid agent for the Prov. government and also for Conn. Had the contention of Conn. under it been sustained, the Narragansett lands claimed by the Pawtuxans would have been awarded to them.

⁸2d R. I. Hist. Tract, 4, p. 80.

⁸Lands

of Select Men's Address to the King "*That it is much in their hearts if they may be permitted to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained with a full liberty in religious concernment.*"

All the rights granted in the earlier charter were confirmed in this, the original right and title of the Indians and their concession of the Narragansett territory through Gorton to the English government for the government of the Providence Plantations was recognized and confirmed. The names of the men from the different parties, upon whom the government under the new charter should devolve until the next May election, as had been agreed upon and sent to Clark, were inserted in the charter; but those who had borne the chief burdens and sacrifices in the cause did not receive the chief honors. The Newport organization and the Pawtuxans were now in a majority sufficient to command for themselves most of the prominent places. The Governor named, therefore, was not Williams or a representative of the liberal party,¹⁰ but Benedict Arnold, and he became by this appointment the first Governor under the new charter;¹ largely attributive to the limited voting privilege maintained in Newport. Arnold and Brenton held the office of Governor for fifteen years between them continuously, and they with Easton and later Coddington continuously for twenty-one years (with the exception of one year) until the death of all of them.²

The name "Providence Plantations" in the Williams charter, Gorton said, disturbed the men of Newport. In the new charter Rhode Island was prefixed to the name of the colony. Gorton, one of the few of the liberal party who obtained recognition under the new charter, was named in it as one on whom the government should devolve, was a member of the Assembly that received the charter, and was a member of the next Assembly in March, in which the new charter was adopted. Under the new charter the Governor, the Deputy Governor, and four of the ten Assistants were Newport men, and of the Deputies Newport had six to four from any other town.³ The preponderating population of Newport was from Massachusetts; it was nearly a Massachusetts government. The political consequences of the other towns than Newport were thus destroyed, and the government, though with constitutional liberty established in it, passed from the hands of those whose early struggles founded and maintained it. These thereafter "shared but few favors and seldom secured any official recognition or distinction."

Most of the early officers of the government, like Gorton, as he says, "never persued earthly honor." Conscience and duty actuated them in taking upon themselves the dangerous responsibilities that confronted them; and sacrifice and suffering without honor in their day was their earthly portion. The infirmities of age and long continued public service, as at last pled by Gorton, were the only laudable reasons for laying down this unthankful work. Except in the cases of Arnold

of R. Island, 101, 106, 255.

¹⁰R. I. Rec., ii, 4, 5.

¹⁹R. I. Collec.,

vii, 204.

¹Arnold was chosen Chief-officer before the new charter arrived. To name or not to name him as Governor in the charter was one of the obstructions in proceedings. To not have so named him at this time would have deposed him from the office.

²Arnold and Coddington, through their extensive land acquisitions and political favors, and the favors of commerce extended to them by Mass., became possessed of large wealth, exceeding that of any other two men in the colony. Coddington, in 1665, abandoned the church and Puritan party and became a Friend and Loyalist, and was thereafter the Governor of the colony and a commendable citizen. 5th Mass. Collec., i, 330 note. 2d Savage's Winthrop, ii, 179. R. I. Collec., ii, 52. Mass. Rec., ii, 48.

³R. I. Rec., ii, 39.

⁴R. I. Rec., i, 515-517.

⁵Dr. Cathcart. The

and Coddington, there was hardly an example of personal ambitious strife for place in the colony until after the government was established very secure and its offices were provided with emoluments. Samuel Gorton and John Smith served as Presidents of the colony during the culminating period of the attempted subversion of its government and the transferring of its dominions to the other colonies, the most trying period, and met with judgment and courage every emergency; preserved the valued rights by their charter granted to them, and happily lived to see the cause for which they labored triumph.

The new charter also contained the express provision that the inhabitants of Rhode Island and Providence Plantations should have perfect freedom to pass and repass without let or molestation into the other colonies, and to hold intercourse with such of their people as were willing, "any act, clause, or sentence in any of the said colonies provided or that shall be provided to the contrary notwithstanding." Accompanying the charter was an open letter from the King to the Governor and Council of Massachusetts, expressly calling their attention to the signification of his will as provided in his charter, and requiring their obedience, which letter he sent through the hands of the Governor and Council of Rhode Island and Providence Plantations, evidently to assure to all the parties interested a knowledge of its tender and his will. Its receipt was, by the Governor and Council of Massachusetts on November 18th, 1663, acknowledged.⁴

A remarkable fact regarding this charter is that it was so liberal in its provisions that it was not changed by the revolution, but remained in force until 1842. It was in advance of other instruments in providing protection in the matter of religious worship. When, later, the Liberalists complained of this deficiency in the United States Constitution and addressed Washington upon the subject, urging an amendment, the request commended itself to his judgment and he replied that had he known the needed protection was not accorded fully in the Constitution he never would have signed it. The amendment was introduced by Madison and, in spite of violent opposition at the first, Congress passed it.⁵

That Charles the Second should favor the experiment of civil government with liberty of conscience and provide for the enforcement of religious freedom, first in this banished colony, is largely due to the exemplary life, earnest entreaties and convincing eloquence of Gorton, Clark and Williams. His letters⁶ show that he was well disposed to grant them this favor.⁷ He had pledged "that no man shall be disquieted or called in question for difference of opinion in matters of religion which do not disturb the peace of the kingdom," in his famous declaration from Breda in 1660.⁸ In his letter to Endicott the same year he says: "Neither shall we forget to make you and all our good people in those parts equal partakers of those promises of liberty and moderation to tender consciences expressed in our gracious declaration." And the identical language of his declaration from Breda (with the selectmen's entreaty to him "to hold forth a lively experiment, with a full liberty in religious concernment") was inserted in the new charter

R. I. and Prov. Plantation was the first, or the second if we grant the first to the colony of North Carolina, to declare itself "free from all dependence on the crown of Great Britain." This she did May 4, 1776. She then refused to enter the Compact of United Colonies until constitutional religious freedom was adopted.

⁴King's letters in Ryerson's *Loyalists of America*.
⁵Williams' letter, R. I. Collec., iii, 163. R. I. Rec., i, 450. Warwick letter, R. I. Rec., ii, 79.

⁶Rapin, 2d London Ed., ii, 676. Echard, 3d London Ed., the Commonwealth Book, iii, 761-763.

⁷Charter in R. I. Rec., ii, 5.

by his special order, and by him defended in open court before it was sealed and he signed it.⁹

By enforcing freedom in the American colonies the promotion of the Episcopal religion was accomplished; but, however, its operation here was most desirable and beneficial. Massachusetts was offered a new charter on the same terms as Narragansett and refused it. Then her charter fell. This was the last effective act of Charles the Second relative to Massachusetts, for before a new government could be settled the Monarch died. His death and that of the charter were nearly contemporary.¹⁰ James the Second, immediately upon his accession to the throne, in resentment of the disobedience and belligerency of Massachusetts and indignant less with the Narragansett than with the Massachusetts heretics, appointed a Royal Governor and a Royal Commission which changed, for the time being, the whole face of New England.¹

We passed with but a mention one of the proceedings of the last Assembly, which was attended with much importance. The Indian Kings of the Narragansett nation were by invitation of the Governor and Council present. The deed and submission sent by them to his Majesty by Mr. Gorton was read to them, which they reaffirmed and owned to have executed. This submission deed of the Narragansetts secured by Gorton well stood all the ridicule that Massachusetts writers could bestow upon it. No instrument ever more fully than this served its chief purpose. Massachusetts had commissioned Arnold and others to secure this same thing, but failed in it, and subjected but two of the petty Sachems.² The submission of the Narragansett Chiefs with their dominion in the interests of the Providence Plantations before others had seduced them, which latter would have facilitated the efforts of Weld to secure Massachusetts a patent and of Winslow to call in the grant to Williams, was a master policy; notwithstanding England was unable to return to the Narragansetts, for the deed the redress and protection which was due for it. And although Miantinomi fell in death, doubtless earlier than he would have fallen had he submitted to Massachusetts, the same fate awaited those who did submit to Massachusetts after their land had been gotten from them.³

This Indian grant was recognized as the highest authority by the Parliament Commissioners, and in the charter as the best of all grants; so all-sufficient as to supercede all others; and the grant in the body of the charter is, therefore, given to the Rhode Island and Providence colony of dominion over this land.⁴

Without this deed the colony could not have retained any considerable part of the Narragansett domain; and the importance attached to it by all the colonies is evident from what we have recounted. It was by virtue of this act that the King's Commissioners sitting at Warwick erected it into the King's Province, named its bounds, and gave to the Governor and his Assistants of the colony of Rhode Island and Providence its entire control, forbidding others trespassing upon it. The charter says that as the Rhode Island and Providence Plantations "are seized and possessed by purchase and consent of the natives to their full consent, and they having by near neighborhood to and friendly

Ryerson's *Loyalists of Amer.*, i, ch. v.

¹⁰Barry's *Hist. Mass.*, First

Period, xvii, 478.

¹Ryerson's *Loyalists of Amer.*, i, ch. vi.

²*Acts Coms. U. Cols.*, i, 32, etc.

³Canonchet, the son and successor to the Chieftom of Miantinomi, when captured was offered his life if he would secure the submission of his Tribe, which refusing, he was killed and quartered. The Tribes that did submit, and the petty Sachems whom Arnold induced to submit, were afterwards killed. Hubbard's *Indian Wars*, etc.

⁴Col. Aspinwall, *Proc. Mass. Hist. Soc.*, 1860, pp. 39-41; 1862, pp. 41, 77.

society with the great body of the Narragansett Indians given them encouragement, of their own act to subject themselves, their people and lands unto us, it shall not be lawful for the rest of the colonies to invade or molest the native Indians or any other inhabitants within the land and limits mentioned, they having subjected themselves unto us and being by us taken into our special protection, without the knowledge and consent of the Governor and company of Rhode Island and Providence Plantations,"⁵

Shortly prior to March, 1664, the death occurred of John Smith, former President of the colony. He was an early settler in Providence, a subject of the vengeance of the church Magistrates of Massachusetts, and prior to 1648 permanently settled at Warwick; was one of the first members of the government under the charter and one of its most earnest defenders. He served the colony loyally and faithfully in various ways, and as President during very troublesome times and to him a most trying period. Happily, he lived to see religious freedom secured to the colony in its constitution. The town of Warwick appointed Gorton administrator of his estate.

CHAPTER XVII.

The Assembly under the new charter—Gorton named in it as one of the incorporators—A Representative—Change of name from Providence to Rhode Island and Providence Plantations—The King appoints Commissioners to settle the disputes of the colonies—Instructs them to see if the Narragansetts' submission and cession secured by Gorton prove true—They confirm the Narragansett submission and cession—Gorton names the unsettled territory the King's Province—Samuel Gorton, Jr., appointed a magistrate in it—Commissioners declare all claims of the other colonies to lands within it to be void, and place it in the Rhode Island and Providence government's keeping—They order the removal of Massachusetts subjects from it—Massachusetts court refuses to heed the orders of the King's Commissioners—The King commands the Governor and Council of Massachusetts to send representatives to answer in England.

The first Assembly of the Rhode Island and Providence Plantations under the new charter sat at Newport March 1st, 1664. Samuel Gorton was, as we have stated, named in it as one of the incorporators of the government, so also were Benedict Arnold, William Coddington and William Baulston. The appointments named in it were Arnold, Governor; Brenton, Deputy Governor; Coggershall, Clark and Baker, Assistants, all of Newport; Baulston and Porter, Assistants, of Portsmouth; Field, Olney and Williams, Assistants, of Providence; and Greene and Smith, Assistants, of Warwick. The vacancy occasioned by the death of Smith was filled by the choice of Randall Holden. The Assembly appointed the Superior Court at Newport semi-annually to be held by the Governor and six of the Assistants with or without the aid of the Deputy Governor. Five of twelve colony officers were required to be citizens of Newport. The Governor, Deputy Governor and three of the Assistant justices, thereafter of Newport, and five out of each

⁵R. I. Rec., ii, 4, 15, King's letter. Letters from the colony to the King and Lord Clarendon, Sept. 4, 1666, R. I. Rec., ii, 155, 156, 556, 562; iii, 40, 61, 62, 63, etc.; iv, 370-373. King's letter, 1st Mass. Collec., v, 221; 2d. Mass. Collec., vii, 98-112; Arnold's Hist. R. I., i, 315, 316. Sheffield's Paper. National Magazine, 62.

⁶R. I. Rec. Book Notes, xix, 19, p. 70.

twelve of the grand and petit jury were to be Newport men. Every town was deprived of the power of electing one-half of its council, the election of half given to the vote of the whole colony.⁶ Newport had surpassed the other towns in population, wealth and social influence; had now a more than corresponding political interest, and filled most of the offices of the government. Its accessions were of a character very different from those of the early settlements, which were of a people many of whom, after having been impoverished by fines and penalties, had escaped almost penniless to enjoy in the wilderness the scant returns of labor and the hoped for large reward of freedom from religious oppression. Its accessions were largely Puritan men of wealth who came to the new port of enterprise for business. This Puritan element was made by the rulers the privileged electorate, thereby keeping them in power. Without regard for or sympathy with the liberal element it held controlling influence in the colony for more than a century.⁷

The change in the official title of the colony, dictated by the Newport island men and made by prefixing the name of the island to it, led to the colony being called by the island's name; and it also loaned strength to the error, encouraged by the followers of Coddington then in power in the government, that prevailed for many years, that the government of the colony had its origin in his government on the island. The name of the State should be Narragansett.

Those governing at Newport from the beginning felt but little interest in the mainland towns to which they had against their will been united.⁸ Previous to Clark's return from England the colony had paid him the amount agreed upon for his services and also sent to him an extra allowance for his greater encouragement in its behalf, Gorton being one who guaranteed the amount apportioned to his town.⁹ Upon Clark's return the Assembly promptly assumed the debt which was contracted in 1651 for his departure, and to this added a gratuity and assessed £600 upon the towns for it, £80 of it being assigned as Warwick's portion. To this Warwick for good reasons objected. The mainland had alone paid the expenses of Williams, the government agent, and it belonged to the island alone to pay the departure expenses of Clark their agent.¹⁰ Clark had but recently, during the coming in of the King, been employed by the government,¹ and for this all his expenses and claims had been paid with an extra allowance. The Warwick people had, Williams said, been for the past twenty years subjected to a loss of £100 annually. Holden said in all £4,000 from the depredations of those who had betrayed the government, without any relief from the government;² and they rightly thought that the island should pay Clark's departure expenses, and if a further payment to him by the government was deemed just it should be assessed upon those who had betrayed the government and proudly done wrong of a higher nature.

Others joined with Warwick in the protest to the Newport men's proceedings, but it was unheeded, and in October (1664) the arrearage, now £200, was ordered to be collected from the different towns. Unwarrentable reflections having been cast upon the patriotism of the Warwick people, they in the December following addressed a letter to the Assembly then in session which vindicated their unrivalled interest in the colony and the justice of the course they would recommend,

⁷Judge Durfee's address, 1847.

⁸R. I. Collec., vii, 211.

⁹R. I.

Rec., i, 480; 1482, 510; ii, 77, 478, 479, 514, 515, 558; iii, 22.

¹⁰R. I. Rec.,

ii, 78-80.

¹R. I. Rec., ii, 515, 558.

²R. I. Rec., i, 341-345;

stating that they almost alone bore the expense of the first mission, that of Gorton, Greene and Holden to England to sustain the colony, and had done none less for it than any others had done, and this done on their own charge, travel and loss of time, never receiving a penny from any of the other towns; that when the men of Massachusetts had drafted a charter for Narragansett, during the height of their credit in England, and had both ministers and Magistrates pleading that it might be made authentic, these Warwick men only prevented it.⁵ Warwick, however, paid the amount that had been assessed to her without abatement; and at an Assembly at Warwick, June 21st, 1670, ordered £300 to be raised to send Clark and Greene to England to now oppose the claims Connecticut made by the precedence of her new charter with bounds including, as they thought, portions of the Providence colony. Clark did not go, his death occurring soon after.⁶

The King finding it impossible to secure compliance and necessary to compose the differences of which he received complaints, and to do justice to numerous demands at his royal hands, on the 22d of April, 1664, appointed Col. Richard Nichols, Sr. Robert Carr, Knight, George Cartwright, Esq., and Samuel Meverick, Commissioners to visit the colonies in New England to examine and determine all complaints and appeals in all causes and matters, as well military and criminal, and he sent under date of April 23d, 1664 letters to both the Massachusetts and Rhode Island governments "acknowledging his duty to see that justice be administered to all his subjects."⁷

The King's letter of June 28, 1662, brought over by Bradstreet and Norton, nearly two years past, remained unpublished, but now upon the appointment of the royal Commissioners was made public and several other letters from the King acknowledged,⁸ with a protest against the royal Commissioners in what they term a "supplication" to the King, dated October 25th, 1664.⁹ It was replied to by the King on February 25th, 1664-5. The letters of the King of February 15th, 1660, September 9th, 1661, June 28th, 1662, April 23d, 1664, and February 25th, 1665, show the groundlessness of the Massachusetts Magistrates' statements and reveal what they contended for under the rights of conscience was the right of preventing others, and what they claimed under the pretense of charter rights was absolutism, refusing to submit even to inquiry as to whether they had encroached upon the rights and territories of their White and Indian neighbors, or made laws and regulations and performed acts contrary to the laws of England, and to the rights of others of the King's subjects. The King's letter of February 25th, 1664-5, in answer to the supplication is not given by Hutchinson in his history. This and a letter from Lord Clarendon in answer to a copy of the supplication that was sent to him, and a letter from Robert Boyle in reply to a letter sent to him, and upon the subject of this address to the King and their rejection of the royal commission, may be read with advantage to those who would pursue this subject further.¹⁰

In January, 1664-5, the Commissioners appointed by the King arrived.

iii, 58-62.

⁵R. I. Rec., ii, 78-80, 127.

⁶An error in the printed

records assigns this sessions to Newport; but from the minutes of the Governor and Magistrates of Newport, held the Friday previous and hat held the Oct. following, it is evident the place was Warwick.

⁷King's letter, Hazard's

Hist. Collec., ii, 634-637. Ref. to in Loyalists of Amer., i, 176.

⁸2d Mass.

Collec., viii, 47.

⁹Supplication in Mass. Rec., iv, Pt. ii, 129-133, and in Loyalists of Amer., i, 153-159.

¹⁰King's letter of Feb. 25, 1664-5 in Ryerson's Loyalists of Amer., i, 166-169, and in Hutchinson's Collec. of State Papers, 390, or ii, 115. Lord Clarendon's letter in Hutchinson's Hist. Mass., i, 544, and in Loyalists of Amer., i, 160. Robert Boyle's letter in 2d Mass. Collec.,

They were well received by the people of the Providence and Rhode Island Plantations. The Indian Princes gave them a long petition. Among their complaints of injustice was that the Massachusetts Commissioners had first caused them to be fined, then took their country in mortgage to satisfy the sentence, and would inveigle them out of it.⁹

One of the King's most implicit instructions to his Commissioners was "to see if it prove true" that the Narragansetts had submitted their domain to Charles the First of their will; and accordingly their first business in Narragansett was to visit the headquarters of the tribe at Pattamsquscot, where a council with them was held and the submission of the Narragansett Chiefs were confirmed; whereupon the Commissioners then, there on the 20th of March, 1664-5, formally received the grant, commanded it to be called by the name Gorton applied to it, "The King's Province," and commissioned men of the Rhode Island and Providence Plantations, their Governor and Assistants its Magistrates and rulers.¹⁰ We do not find Samuel Gorton named as one of these Magistrates. He was now seventy-three years of age, and had on account of the infirmities of age refused to longer serve in the office of Assistant, although he was Magistrate at Warwick and did serve as Assistant in the place of absent ones; and so doubtless served as his son did and with him as Magistrate for the King's Province. His interest in the grant may have prevented his appointment by the Commissioners or have made him unwilling to accept such an appointment. The Magistrates named were appointed to serve until May 3d following, and then the Governor and his Assistants or Magistrates were to rule. His son, Samuel Gorton, Jr., was an Assistant and was one of the Court of Justice that sat in the Province.¹ And the Commissioners issued this order: "Having received from some of the principal Sachems of the Narragansett Indians a submission or surrender of themselves, their subjects and their lands to the protection, government and dispose of our dread sovereign, giving us a deed dated April 19th, 1644, wherein they and all the other Sachems of that country did then submit, subject and give over themselves to his late Majesty, we, his Majesty's Commissioners, command that no person of what colony soever presume to exercise any jurisdiction but such as procure authority from us; and we also declare that "The King's Province" doth extend to Pawcatuck river; and whereas, Major Atherton and others of the Massachusetts pretend a mortgage of a great part of the said country, and whereas, there is also two purchases pretended to, of two great tracts of land by the same, in which deed there is no mention of any consideration, and *that it appears that the said pretending purchasers knew that the said country was submitted to his Majesty, as well by witness as by said submission being eighteen years ago* PRINTED. We, his Majesty's Commissioners, having heard the whole business, do declare the said purchases to be void and order and command that the said purchasers shall quit and go off the said pretended purchased lands."²

vii. 49-51, and in *Loyalists of Amer.*, i, 161.

⁹R. I. Collec., ii, 128.

¹⁰R. I. Rec., ii, 93, 94.

¹R. I. Rec., ii, 592.

²R. I. Rec., ii,

50, 60. The R. I. Recds., i, 466, contain what is certified to by Edw. Rawson, secy. of the Mass. Court, as a letter written by the command of Charles the Second, dated June 21, 1663, (but thirteen days after Charles signed the new charter of the R. I. and Prov. Plantation) according the right of John Scott and others of the Atherton company to the Narragansett territory, which writing is of doubtful authenticity. Scott was an active supporter of the reputed Narragansett patent, and he was afterwards convicted and imprisoned for forgery and other crimes [*Palfrey's Hist. N. E.*, ii, 564 note and 583 note. *Aspinwall's* remarks on the Narragansett patent, *Sidney S. Rider, Pub.*, 28-37 note]. Seq. p.

The Commissioners then sat to hear the complaints of the town of Warwick. The Massachusetts Magistrates refused to appear before the Commissioners to answer the numerous complaints of Warwick or of others or to indicate their claims or acts, and denied the right of the Commissioners to hear and determine causes. A letter was received by the Commissioners from Williams stating that he had been many years engaged in pleading with Massachusetts and in behalf of his loving friends of Warwick with the Massachusetts Magistrates, who would be pleased were Mr. Gorton and his friends destroyed, and advising that the Massachusetts colony be reduced to obedience.³ The petition that was four years since addressed by the people of Warwick to the General Court of Massachusetts, complaining of the continued oppression and suffering occasioned by the remaining subjected inhabitants and giving notice that they should proceed before the King in council unless some arrangements were made satisfactory to them, the Massachusetts Court having given no heed to, now twenty-two years after the first occasion for complaint arose, during which time there had been unremitted depredations and oppression regardless of the many orders and the prohibition in the charter, and yet debarred the privileges of trade, their goods exchanged second or third-handed, their property destroyed by the subjected inhabitants who occupied their best lands, and the order of banishment to this day unrepealed, they of Warwick now laid their precise and commendably brief complaint before the Commissioners.⁴ This, at this late day, was the first petition to the government for reparation that Gorton or any of the Warwick people had made. There was in this no claim for damages to the person, but only for property losses. From this it is more than probable that they would not have sought redress had they, after the first assault on them, been allowed to settle down in peace.

The Commissioners, after the hearings, issued on April 4th from Warwick an order "that all those gifts or grants of land lying on the eastern side of Pawcatuck and a north line drawn to the Massachusetts, made by his Majesty's colony of the Massachusetts to any person whatsoever, or by that usurped authority called the United Colonies, to be void."⁵ And on April 17th they ordered the removal of all both Indians and Whites, Massachusetts subjects, from these lands.⁶

The Massachusetts Magistrates, in lieu of their appearance before the King's Commissioners, put forth on May 30th, 1665, what they called an apologetical reply, a document of "vituperation and obscurity of meaning," in which they incorporated the pith of "Hypocrisy Unmasked," including in it the old petition of Benedict Arnold and his company. As nearly twenty-five years had elapsed since the events referred to had occurred, it was clear enough that the consequences which the petition pretended were completely falsified. It, therefore, suited the General Court to quote the Providence petition as stating that Gorton and his company were already the vile and dangerous men which the petitioners only said they might become in a certain contingency. In other words, the court so garbled the petition as to make it assert as an existing fact that which was only put as a possible consequence. However heretical it may appear, it is difficult to escape the suspicion that the Puritans sometimes showed signs of human weakness.⁷

note.

³R. I. Rec., ii, 136.

⁴Warwick's complaint, dated Mar.

4, 1664-5, in R. I. Collec., ii, 231, and in 2d Mass. Collec., viii, 68.

⁵R. I. Rec., ii, 93.

⁶R. I. Rec., ii, 132.

⁷Bryant's Hist. U. S.,

ii, 71.

⁸Loyalists of Amer., i, 145.

2d. Mass. Collec., viii, 55-58; other

On May 2d, 1665, Colonel Nichols and all the other King's Commissioners with him drew up, signed and forwarded to the Massachusetts Court an address regarding its refusal of its members to appear and defend themselves, and regarding a report circulated that the King had sent here to take away any civil liberties. It said: "We declare as false and protest that they are diametrically contrary to the truth, as ere long we shall make it appear more plainly. These personal slanders with which we are calumniated, as private men we slight; as Christians we forgive, and will not mention; but as persons employed by his sacred Majesty we cannot suffer his sacred honor to be eclipsed by a cloud of black reproaches and some seditious speeches without demanding justice from you against those who have said, reported or made them."⁹ And the Commissioners on May 18th addressed to the Massachusetts Magistrates the following: "The end of the first planters coming hither was, as was expressed in your address, the enjoyment of the liberty of your own conscience. We, therefore, admire that you should deny liberty of conscience to any, and especially when the King requires it, and that upon a vain conceit of your own that it will disturb your enjoyments which the King often hath said it shall not."¹⁰

And Commissioner Col. Cartwright addressed to Mr. Gorton the following: "These gentlemen of Boston would make us believe that they really think that the King has given them so much power in their charter to do unjustly, that he reserved none for himself to call them to account for doing so. In short, they refuse to let us hear complaints against them, so that at the present we can do nothing in your behalf; but I hope shortly to go to England, where, if God bless me thither, I shall truly represent your suffering and your loyalty. Your assured friend, George Cartwright. Boston, May 26, 1665."¹⁰

The three Commissioners Carr, Cartwright and Meverick on July 26th, 1665, addressed the Massachusetts Court as follows: "We thought when we received our commission and instructions that the King and his Council knew what was granted to you in your charter, and what right his Majesty had to give us such a commission and commands; and we thought the King, his Chancellor and his secretaries had sufficiently convinced you that this commission did not infringe your charter; but since you must needs misconstrue all these letters and endeavors, and that you will make use of that authority which he hath given you to oppose that sovereignty which he hath over you, we shall not loose more of our labors upon you, but refer it to his Majesty's wisdom, who is of power enough to make himself to be obeyed in all his dominions."¹¹ The Commissioners also wrote to their government, among other things regarding the Massachusetts Magistrates, that "Seven years they can easily spin out in writing. If writing will serve the turn, as they suppose it will, they can keep the business in agitation until the King and all his secretaries there and all his good subjects here be weary of it. Both the readiest and surest way is for his Majesty to take away their charter, which they have several ways forfeited, but that without a visible force will not be effected."¹²

The Commissioners composed some differences with the Dutch settlers, finally arranged for the removal of the subjected Indians [delivering to Ponham £20, "ordered as a present unto him if he would

letters of the Commis. Seq. 58-64.

Coms. letters, Seq. 81-87, 90.

⁹2d. Mass. Collec., viii, 75-77; other

¹⁰R. I. Collec., ii, 246.

¹¹Reference

is made to an order signed in Aug., 1665, by all of the King's Coms. upon the subject of complaint prepared against Mass., which order we are unable to find.

Staples.

¹²O'Calligan's Documents, etc., iii, 102.

Hutchinson's Collec.,

412-420, or ii, 139-150, is King's Coms. report.

⁸R. I. Rec., ii, 127-129,

find a place to live upon" away from Warwick]; and finding their authority still resisted by the government of Massachusetts Bay, reported the result to the King and Lord Chancellor in December, 1665. The report answered the inquiries the King had instructed them to make and gave much other information at length. It stated that "the Narragansett Sachems did in the year 1644, by writing, surrender themselves, their people and country into the late King's protection; two of which Sachems now living did actually in their own persons surrender themselves, people and country into his royal Majesty's protection before his Commissioners, and deliver to them that very deed made in 1644, which has been carefully kept by Mr. Gorton. This Narragansett country is almost all the land belonging to this colony, which cannot subsist without it. This colony, which now admits all religions, even Quakers and Generalists, was begun by such as Massachusetts would not suffer to live among them, and is generally hated by the other colonies, who endeavored several ways to suppress them. They (the other colonies) maintained other Indians against the Narragansett Indians. The Commissioners of the United Colonies disposed of a great part of his country, pretending they had conquered it from the Pequot Indians; but evidence being made that the Narragansetts had conquered it before the English began their war, and that the right was in him who sold it to the Rhode Islanders; and his Majesty's Commissioners, not thinking it justifiable for any colony to dispose of land without their own limits, determined it for the Rhode Islanders."³

The King, upon receiving the report from his Commissioners, ordered their return.⁴ He at the same time addressed a letter to Massachusetts, stating that as he had received full information from his Commissioners of their treatment in the several colonies, in all of which they had received great satisfaction but only in that of Massachusetts, and notwithstanding many expressions of loyalty from those who govern that colony, so believe that his Majesty hath no jurisdiction over them, but that all persons must acquiesce in their judgments, however unjust, his Majesty thought fit to recall his Commissioners, which he hath at the present done, that he might receive a more particular account from them; and his Majesty expressly commanded the Governor and Council of Massachusetts to forthwith send representatives to England to answer before him *the complaints prepared against them*, and for their conduct to the Commissioners; and he further expressly charged that the Governor and Council of Massachusetts immediately set all persons at liberty who had been imprisoned for petitioning or appealing to his Commissioners; and for the better prevention of all differences ordered that the bounds and limits of the several colonies made by his Majesty's Commissioners continue to be observed until his Majesty should find cause to alter them. That full obedience be given to his signification of his pleasure in all particulars.⁵

³82: iii, 40, 61; iv, 373.

⁴King's letter to his Coms., dated Apr. 6, 1666.

⁵King's letter to Mass., dated Apr. —, 1666, probably in full in Ryerson's *Loyalists of Amer.*, i, 169-171. King's letter dated Apr. 10, 1666, in Hutchinson's *Hist. Mass.*, i, 547, 548. The copy of his Majesty's Signification to the Mass. Colony was surreptitiously conveyed over to them by some unknown hand before the original came to Boston; and formerly the very original of Mr. Meverick's petition to the King and Council, concerning the Mass. Colony, was stolen out of the Lord Arlington's office in Whitehall by one Capt. Scott and delivered to the Governor and Council at Boston. This I affirm positively to be true, though when I questioned Scott upon the matter he said a clerk gave it to him. [Letter of Nichols to Morrice, in O'Calligan's *Documents*, etc., iii, 136.] This Scott, one of the most active in the pretended Narragansett purchases, and who obtained the reputed accord to his right therein from the King [see ante p. 122], was finally brought to trial in Connecticut and convicted under ten charges, one

CHAPTER XVIII.

The King's compliments in a letter to the government of Rhode Island and Providence Plantations—The Massachusetts court send ship-masts to the King in lieu of agents to answer before him—The Massachusetts people protest against the course of their magistrates—Pawtuxet claimants capture the Court of Trials—They protest against Williams and his opposition to them—Morton's scandalous book—Gorton's letter to Morton—Williams' letter to the Plymouth court—Gorton's letter to Governor Winthrop, Jr., of Connecticut.

The following from the King was at the same time communicated to the government of the Rhode Island and Providence Plantations: "Trusty and well-beloved, we greet you well; having received so full and satisfactory account from our Commissioners, both of the good reception you have given them and also of your dutifulness and obedience to us, we cannot but let you know how much we are pleased therewith, judging that respect of yours toward our officers to be the true and natural fruit which demonstrates what fidelity and affection toward us is rooted in your hearts. And although your carriage doth of itself most justly deserve our praise and approbation, yet it seems to be set off with more lustre by the contrary deportment of the colony of Massachusetts; as if by their refractoriness they had designed to recommend and heighten the merit of your compliance with our directions for the peaceable and good government of our good subjects in those parts. You may, therefore, assure yourselves that we shall never be unmindful of this your loyal and dutiful behavior, but shall upon all occasions take notice of it to your advantage, promising you our constant protection and royal favor in all things that may concern your safety, peace and welfare."⁶

Colonel Cartwright was made the bearer of the sum of the Proceedings of the King's Commissioners and of other letters to his Majesty and the Lord Chancellor, and of other papers to England. In his passage the vessel was captured by the Dutch and his papers were taken and never recovered.⁷ Copies were ordered by the Rhode Island Assembly to be sent to England by the first opportunity.

With the closing of the work of the King's Commissioners there dawned a new era of joy to Gorton and the other Providence and Warwick settlers. They secured, now for the first time, a measure of what they so long ago hoped for under the first charter, "peace in the quiet enjoyment of their possessions." On account of the difficulties there had been but few accessions to the inhabitants of Warwick; they were in all but a handful of impoverished adventurers; but comparative peace for nine years followed the favorable decisions for them, when again their dwellings, with those of the Providence people's, were destroyed by the Indian wars.

The King's last letter occasioned the calling of the Massachusetts Court in an extraordinary session⁸. It, however, refused to obey the King's order to again send representatives to vindicate their acts before him;⁹ and in the fall they met again according to adjournment.¹⁰ To this court nearly two hundred of the principal inhabitants of Massachusetts, "our fathers," the editor of the Danforth papers writes, "who

of them being for forgery, and sentenced to pay a fine of £200, to be imprisoned during the pleasure of the court, and to give bonds to the amount of £500 for future good behavior. [Conn. Recds., ii, 16, comp. 430.] ⁶King's letter.

R. I. Rec., ii, 149.

⁷Hutchinson's Hist. Mass., i, 250.

Collec., viii, 98.

⁸2d Mass. Collec., viii, 108, 109.

⁹2d Mass.

¹⁰Ryerson's Loyalists of Amer., i, 181 note. Sessions Oct., 1666. Petition in Hutchinson's Collec., 511-513, or ii, 248-215, and in 2d Mass. Collec., viii, 102-107.

exhibited so much good sense and sound policy," protested against the course of the Magistrates, but they still refused to send representatives, and this time instead sent two large masts¹ thirty-four yards long and a shipload of timber, the freight thereon costing them sixteen hundred pounds² sterling, as a present to the King, which he graciously accepted. And the fleet in the West Indies being in want of provisions, a subscription and contribution was recommended through the colony for bringing in provisions to be sent to the fleet for his Majesty's service.³ Further action was suspended for a time, as Charles was absorbed by exciting questions at home, his war with Denmark and Holland and his intrigues with France.

While the people of the Providence colonies had been engaged in arresting the invasions of their foreign foes, the Pawtuxet party, their internal foes, had been politically undermining them, having now nearly secured the control of the government. William Harris, his brother Thomas Harris and William Carpenter, all three of them Pawtuxet partners, obtained the places of Assistants, and four Assistants with the Governor or Deputy Governor, formed the high Court of Trials. Thus setting as judges in this court, which was likely to have before it their causes, they might have considered the object of their scheme to acquire the lands of nearly the whole colony well nigh accomplished. Many struggles with them and the towns of Providence and Warwick before the local courts followed. Not succeeding in these, they continued the strife to strengthen themselves greater politically by electing controlling majorities in the town councils and in the General Assembly. The papers upon the subject, which were sent from Warwick to Clark for his use before the King and Council against them, were by spy or traitor obtained by them and held at Newport for their service.⁴ Litigation and costly trials were kept up by them against the colony and against the towns of Providence and Warwick to secure an acknowledgment of their claims and place them in possession of the land.

On November 19th, 1667, a protest similar to the nearly thirty years old one by the same party, Arnold and his eleven others against Gorton and others of Providence, was issued now against Williams for "keeping up a difference with Pawtuxet men," signed by "Sixteen Proprietors of the town." These proprietors were the barest minority of the people of the town, and ten of them were either Harris partners or closely allied blood relatives of these partners.⁵ Harris, arraigned at court for calling an Assembly without warrant and for making another rout of settlers from the lands at Providence, admitted his guilt and plead the justification of his acts.⁶ And the violent and threatening acts of the Massachusetts government were such that the Rhode Island and Providence Assembly passed an act of war of defense against them.⁷

In 1669, while Gorton in advanced years had retired from official cares, Nathaniel Morton published a libellous and most scandalous book.

¹2d Mass. Collec., viii, 110.

²The freight £1600 the Mass. Magistrates paid on these presents amounted to within £400 of all the Warwick people asked for twenty-two years' spoiliations and damages.

³Hutchinson's Hist. Mass., i, 257. Ryerson's Loyalists of Amer., i, 180-182. Col. Nichols' letter to Mass. May 19, 1667, enclosing a letter from the King, in Hutchinson's Papers, ii, 139. Col. Nichols' letter to Mass., June 12, 1668, regarding the King's letter of Apr. 10, 1666, in Hutchinson's Papers., 427, or ii, 156.

⁴R. I. Rec., ii, 78. ⁵Book Notes, Vol. 13, No. 23. Harris, Arnold and Carpenter had bought of the other original claimants and now claimed three-fourths of all the lands deeded to Williams, and all lands west, north and south as far as the Pawtuxet river and its branches extended under the forgery. Lands of R. Island, 101, 106.

⁶R. I. Rec., ii, 208.

⁷R. I. Rec., ii, 206.

Morton professed to have derived the greater part of his information from Bradford's history, but an examination of this discloses that there is nothing set down in that history relating to Gorton. Morton also had been for years the keeper of the Plymouth records, so would have known that what he wrote of Gorton was wrong had he not avoided consulting them. Gorton wrote to him the following indignant letter of denial:

"I understand that you have lately put forth a book of records; whether of Church or State I know not, but this I know, that I am unjustly enrolled in it. You peremptorily judge of one you know not, for I am a stranger to you; besides that, your understanding reacheth not the things whence God exerciseth his people (1 Cor. ii, 14) with wishes of better things in you and all men. I must give you a true description of our understanding from the Apostle Jude, verse ten: therefore I have no railing speech to return, or judgment of blasphemy (as the words are), either to seek any revenge of myself or to comply with any such spirit I dare not; but I dare not but comply with the spirit of the Apostle in this his saying: The Lord rebuke thee (Jude 9). My second word concerns your assuming authority to canonize and put into the rank and number of Saints such men when they are dead which in their lifetime were persecutors, especially you having acknowledged them to be such yourself; as also to throw down under your feet and make as brute beasts having only hope in this present life such as are known to be fearers of God, worshipping him instantly day and night, though they be not acknowledged to be such by some particular Sectaries as yourself, for you are no orthodox Christian because you deny the whole and complete word of God to be concerned in the present state of the church of Christ, and have chosen a part of it only to concern your present profession; therefore a Sectarie and no Catholic Christian. But for these things you seek to besmear me with, which return justly upon yourself, mine adversaries shall be my judges where any spark of humanity remains. I have often wondered in my younger days how the Pope came to such a height of arrogance, but since I came to New England I have perceived the height of that triple crown and the depth of that sea whence such things arise, and not from the presence of Peter, but from the corrupting of the Apostles' doctrine, bending and bowing it to comply with corrupt avarice, pride and superstition and vain imaginations of the minds of men setting up their gods at Dan and Beersheba (if you understand the etymology of the words). And the glory there is no other but that the Levitical Priests carved below the mount of God, forming it of the ear and heart jewels of the Egyptians, adorning carnal Israel who turn back in their hearts into the house of bondage whence they were delivered.

"A third word I have to say concerns your office of record; mistake me not, I meddle not with your record further than they concern myself. Do not vest my words, as once they were in a letter taken in pieces, and what was plainly expressed to be spoken of the clergy was applied to the Magistrates, to make me obnoxious among men; and when the truth appeared it was professed that it was done by a reverend Divine before the State of England, who got no honor there by that, whoever he was. Deal fairly with me, as I shall do with you and all men. I then affirm that your record is fetched further than Cape Cod, namely, from him who was from the beginning a murderer also; and truth he abode not in, nor can he abide it. And I take it to be the highest point of murder to strike at the life of the soul, which life is the spirit of Christ, which I profess to live by and account all other life not worthy the name of life with respect unto that (Gal. ii, 20). Your

record, therefore, comes from afar. It ariseth out of the bottomless pit, the smoke whereof is as a stifling fog of darkness in your book.

"It is untruly recorded concerning Plymouth's dealings with me; conceals many passages that were enacted and falsifies things expressed. A difference between Mr. Ralph Smith and myself was not the occasion of Plymouth's dealings with me. If you had recorded truly you would made report that Plymouth's dealings with me had been their threatening of a widow, one Ellen Aldridge, who they said they would send out of the colony as a vagabond; whereas nothing was laid to her charge, only it was whispered that she had smiled in your congregation; and she having been a woman of good report in England, and newly come over; being careful of her credit, she fled into the woods to escape the shame which was threatened to be put upon her, there remaining several days and nights, at the least part of the nights, and absented herself again before people stirred in the morning. My speaking on her behalf (she being then my wife's servant) was the occasion that Plymouth government took to deal with me. Whereupon they called me to a court more privately held to examine me, and one of them indulging upon a point aggravating the matter more than it deserved, I said he spoke hyperbolically; whereupon they asked your Elder then present what was the meaning of that word, and he was pleased to expound it that I told the Magistrate that he lied. And this was their dealing with me; and accordingly they gave their own construction of what I spoke afterwards. Only in your court more publicly, the foreman of the jury (your Elder's son, Jonathan Brewer) befriended me so much as to move the court that I should not speak on my own behalf at all, and there was no Attorney to be had in those days that I knew of.

"In the time of these agitations Mr. Smith took offense at me. Whether of himself or instigated I know not, neither know I any occasion I gave him, unless it was because his wife and others of his family frequented very usually morning and evening family service, and so did a religious maid living then with your teacher, Mr. Reyner. Mistress Smith after expressing herself how glad she was that she could come into a family where her spirit was refreshed in the ordinances of God as in former days. In this offense taken by Mr. Smith he applied himself to the Governor of Plymouth for help to break his covenant made with me, I having hired one part of his house for the term of four whole years. Whereupon I was persuaded to put the matter to arbitrament. The men were appointed, my writings delivered as I remember. John Cooke was one, an eminent member of your church, who shortly after said the writings were commanded out of their hands by the Governor^a (Prence), insomuch that they could do nothing to issue the matter; neither could I procure my writings again unto this day, lest the justice of my cause should appear to any. But the court proceeded to fine and banish, together with sentence given that my family should depart out of my own hired house (Acts xxviii, 30) within the space of fourteen days upon the penalty of another great sum of money besides my fine paid, and their further wrath and displeasure. Which time to depart fell to be in as mighty a storm of snow as I have seen in the country; my wife being turned out of doors in the said storm with a young child at her breast (the infant having at that very time the measles breaking out upon it, which the cold forced in again, causing sickness nigh unto death), who had been as

^aThe Gov. uniformly wrote his name Prence, though Morton and others wrote it Prince. Bradford's Hist. Plymouth, 362.

^bPlymouth Recds., i, 100,

tenderly brought up as any man's wife then in that town; and I myself to travel in the wilderness I knew not whither; the people comforting my wife and children when I was gone with this, that it was impossible for me to come alive to any plantation. I say no more of this now, though I can say much more, with the testimony of men's consciences; but I have been silent to cover other men's shame and not my own, for I could wish to be a bondsman, so long as I have to live upon the face of the earth, in human respects, that all the agitations and transactions that have passed between the men of New England and myself were in print without diminution or extenuation, without covert false dealing or painted hypocrisy. It should be a crown, aye a diadem upon my grave, if the truth in more public or more private agitations were but in prose though not in poetry, as it was acted in all the places wherein you seek to blemish me" (Job xix, 23, 24; xxxi, 35, 36).

"I perceive what manner of honor you put upon me in Rhode Island, which the actors may be ashamed of and you to be their herald. I have been silent of things done at Plymouth, Rhode Island and elsewhere, and am still in many respects, but have not forgotten them. I have heard that some of Plymouth then in place were instigators of the island. I could name the parties of both places, being met together at Cohannet (Taunton). I carried myself obedient to the government of Plymouth so far as became me, at the least to the great wrong of my family more than in above said, as can be made to appear if required; for I understood they had commission wherein authority was derived, which authority I revered; but the island at that time had none, therefore, no authority legally derived to deal with me; neither had they (Coddington's court) the choice of the people, but set up themselves. But such fellows as you can bring men to the whipping post at their pleasure either in person or name without fault committed, or they invested with any authority.

"Again I affirm you to be a deceitful recorder, in that you declare that I have spoken words (or to that effect) that there is no state nor condition of mankind after this present life. I do verily believe that there is not a man, woman or child upon the face of the earth that will come forth and say that ever they heard any such words come out of my mouth. And I appeal unto God, the judge of all secrets, that there was never such a thought entertained in my heart. Therefore, I do verily believe it was hatched in the bosom of the proper author of your scroll. I am far from the opinion you slander me with, for I hold and shall through God maintain that he who takes upon him to be an interpreter of God's word and brings not eternity into the things or matters whereof he speaks, that man is a false prophet or interpreter of the word of God. You could not have clothed me with any piece of Saul's armor that would have fitted me worse than this scandal, and I know you have many pieces thereof among you.

"Whereas you charge me with passion, I know not your meaning in that word. It is an ambiguous phrase, but through God's goodness I know the passion of Christ. And the Apostles' saying, that he fulfils the rest of his passion in the flesh (Col. i, 24), and he being in a multitude of passions (2 Cor. i, 12, 23). And I know that Elijah was a man of passions, yet he was strong in prayer. And here you extort a word from me which I thought would have gone in secret to the grave with me, for I never uttered it with my lips to any, though my heart hath resented it many a time. The thirty-three years is upon expiration since I arrived first in New England, in which tract of time I have

washed my face with tears day and night in the ordinances of Jesus Christ, under the scandals, reproaches, calumniations and wrongs put upon me, for no other reason (though covered with other wizards) but for the profession of Jesus Christ. Yet have not these passions been in any imbittered sourness of spirit, but from enlarged desires, when the thing desired hath been presented as in Joseph when he saw his brethren, and in Jacob when Rachel appeared unto him. And I know they are reserved in a bottle of transparent glasses and written not on the black lines of the oldness of the letter, but in the lines of the light of life, or newness of the spirit. And I well know that God hath turned men's dealings with me into schools of learning (over-shooting them in their own bow), as God did in that carnal and cruel act of Joseph's brethren, that the glory might be in themselves and not in him (Gen. xlv, 4, 5). I have told you in this a small portion of my passion, yet more than was my purpose to have done. Scandalize me for it, and tell the world of it again and also of what I have lost by it; and whilst you are calculating and summing up the number of days contained in so many years I will appeal to God, the searcher of hearts, as a witness of the truth which I now write. Let me tell you this much, that I write now in passion, for it draws tears from mine eyes to see the nature of man (which I myself by nature am) so evidently and perspicuously appear in you; for he that writes or speaks of the word of God and cannot apply unto himself (in a true sense) whatsoever is contained therein, he is no true minister of salvation, but of condemnation (2 Cor. iii, 9; xi, 26, 27). But let this stand as a parable to you and your teachers, whilst you in the meantime vent your corrupting and contagious poison.

"And whereas you say in your records that I am a sordid man in my life. I tell you what I say of that, and do you hide it from none: That I dare be so bold as to lay my conversation among men to the rule of humanity with any minister among you. In all the passages of my life which God hath brought me through from my youth unto this day, that it hath been as comely and innocent as his, according to present occasions, so that nothing shall be covered or painted over with hypocrisy. Whose ox or whose ass have I taken, or when or where have I lived upon other men's labors and not wrought with my own hands for things honest in the sight of men, to eat my own bread? But these things are beneath my spirit, either to speak or write; but you force to apologize; for would any man think that the spirit of one man should be so audaciously impudent as to bring forth such falsities?

"I would say something of the foundation of your church at Plymouth if I thought it were not a matter too low to talk of, for when suit was made to the church in Holland, out of which your church came, to procure a dismission of a sister there to the church of Plymouth, though the gentlewoman upon occasion had been in New England divers years, yet a dismission would not be granted. Their preaching member then with them I knew to be a godly man and was familiarly acquainted with him now about half a hundred years ago in Gorton, where I was born and bred and the fathers of my body for many generations. The Elders gave the ground and reason that they could not dismiss their sister to the church at Plymouth in New England because it consisted of an apostacised people fallen from the faith of the Gospel, and when through such importunities a writing was procured, properly of advice to their sister how to carry herself, her husband the solicitor, whom you know, I need not to name, and I think you know after what manner the writing was read in your church by your ancient Elder; part conceded and part expounded to the best. If you know not I do, for I was present,

Now to have this testimony of aspersion concerning the foundation of your church by the mother out of which you came may be considered, I think you can say, little more orders of the church of Rome.

"A fourth word I have to say concerning the stuff, as you contemptuously call it. What stuff you ignorantly make of the word of God. For the rest of your expressions, which you charge upon us, you falsely apply them. We never called sermons of salvation, tales; nor any ordinances of the Lord an abomination or vanity; nor holy ministers, necromancers. We honor, reverence and practice these things; therefore through guilt you falsify our intent. And, however, you term me a belcher out of error, I would have you to know that I hold my call to preach the Gospel of Christ not inferior to the call of any minister in the country, though I was not bred up in the schools of human learning; and I bless God that I never was, lest I had been drowned in pride through Aristotle's principals and other human philosophy. Yet this I doubt not of, but that there hath been as much true use made of the languages within this twenty years past for the opening of the Scripture in the place where I lived as hath been in any church in New England. When I was last in England through importunities I was persuaded to speak the word of God publicly in divers and eminent places as any were then in London; and also about London and places more remote; many times the ministers of the place being hearers, and sometimes many together at appointed lectures in the country. I have spoken in the audience of all sorts of people and personages under the title of a Bishop or a King; and was invited to speak in the presence of such as had the title of Excellency; and I was lovingly embraced wherever I came, in the word uttered, with the most eminent Christians in the place. And for leave-taking at our departure, not unlike the ancient custom of the Saints upon record in the Holy Scriptures, and I daresay as evident testimony of God's power going forth with his word spoken, manifested as ever any in New England had, publicly and immediately after the words delivered; the people giving thanks to God that ever such came to be uttered among them; with entreaty to stay, and further manifestations, in as eminent places as are in England; whence myself did know the Doctors of note had formerly preached and at that time such as had more honors than ordinary preachers have; who gave me the call thither in way of loving Christian fellowship, the like abounding in the hearer. Therefore, I know not with what New England is leavened or spirited. Indeed, once in London three or four malignant persons caused me to be summoned before a committee of Parliament because I was not a university man. I appeared and my accusers also, one of them a schoolmaster in Christ's Hospital, another or two Elders of independent or separated churches, who were questioned what they had against me. They said I had preached. Divers of the committee answered and said that was true, they had heard me. The chairman asked my accusers what I had said. They said I had spoken of cherubims, but they could not repeat anything; but they said they were sure I had made the people of God sad. But the sum of all their accusations was brought out in a book which they said contained divers blasphemies. The book was only that which was printed concerning the proceedings of the Massachusetts against myself and others. The honorable committee took the book and looked over it and found no such thing there as they ignorantly suggested. Then my accusers desired Mr. Winslow might be called forth, whom they had procured to appear there, whom they thought would oppose me strongly with respect to the book. He spoke judiciously and manlike, desiring to be excused, for he had noth-

ing to say concerning me in that place; his business with me lay before another committee of Parliament; which gave the Table good satisfaction. My answers and arguments were honorably taken by the chairman and the rest of the committee, and myself dismissed as a preacher of the Gospel.

"Some of you have upbraided us as not having the word of God with us because of our paucity. I think those called Quakers are as many as you; but I think them never the better for this multitude, nor the Papists who cover that part of the earth called Christendom. It hath ever been the way of the world to make itself great by multitude (Gen. x, 8, 9, 10; Hosea i, 7, 11); but Christ stilleth his flock to be little and his disciples few (I Cor. xvi, 19).

"A fifth word I have to say is, in that you send the reader to a book printed by Edw. Winslow for a more full and perfect intelligence. Mr. Winslow and myself had humanlike correspondence in England, and before the honorable committee which he referred himself unto; and not to wrong the dead, I saw nothing to the contrary but that I had as good acceptation in the eyes of that Committee as himself had, though he had a greater charter and a larger commission than myself had. I do not know or remember any particulars in that book, for since the publishing thereof I have always had my thoughts exercised about things of better and greater concernment. I saw it in London, but read but little of it; and when I came over to these parts my ancient friend, Mr. John Brown, discoursing with me about those affairs in England, told me he had read such a book printed or put forth by Mr. Winslow. I told him I had seen it, but read very little of it. Mr. Brown, you know, was a man approved among you and elsewhere (for aught I know or ever heard) wherever he came; an Assistant in your government, a Commissioner for the United Colonies, etc., who thus spoke to me in our discourse. I will not pervert nor alter a word of the will or words of the dead. I say he affirmed this unto me, that he would maintain that there were forty lies printed in that book; and I doubt not but Mr. Brown's word and judgment in his time would have been acceptable and taken by any of you as authority regarding the book. Therefore add thy writing unto it if any spark of humanity be left, to inform your readers of the truth of things; or else take it to yourself that you are he who goes about to seduce and corrupt the minds of men with falsities. Warwick, June 30th, 1669. Samuel Gorton."¹⁰

It is not known that Morton was wanting in the humanity to add the writing in acknowledgment of his errors, for such a writing could not at the time been published in the colonies, the only press then in the colonies being that which was under the control of the Massachusetts authorities.

There were many people in Massachusetts and in Rhode Island who felt the need of something to justify their history, and accordingly the truth as Gorton had made plain was suppressed, and the scandalous fiction of Morton was seized upon with avidity and copied and recopied in hundreds of thousands of books, and is to be found in all libraries having new England histories; while the truth, the letter of Gorton's here given, the writer could find but in one of the public libraries in the second largest of our cities. The circulation of Morton's fable was so profuse that it became the generally accepted correct life sketch of Samuel Gorton.

The following from Roger Williams was sent to Major Mason and the Court of Plymouth: "When the next year after my banishment

(1636-1637) the Lord drew the bow of the Pequot war against the country in which Sir the Lord made yourself with others a blessed instrument of peace to all New England, I had my share of service to the whole land in that Pequot business inferior to very few that acted, for I upon letters received from the Governor and council at Boston, requesting me to use my utmost and speediest endeavors to break and hinder the league labored for by the Pequots against the Mohegans and Pequots against the English, the Lord helped me immediately to put my life into my hand. Three days and nights my business forced me to lodge and mix with the bloody Pequot ambassadors, whose hands and arms, we thought, wreaked with the blood of my countrymen, when God wondrously preserved me and helped me to break to pieces the Pequot negotiation. Considering (upon frequent exceptions against Providence men) that we had no authority for civil government, I went purposely to England, and upon my report and petition the Parliament granted us a charter of government for these parts, so judged vacant on all hands. When at Portsmouth on Rhode Island some of ours, in a General Assembly (November, 1644) motioned their planting on this side Pawcatuck river, I, hearing that some of the Massachusetts reckoned this land theirs by conquest (from the Pequots), dissuaded from the motion until the matter should be amicably debated and composed; for though I questioned not our right, etc., yet I feared it would be inexpedient and offensive and procreative of these heats and fires, to the dishonoring of the King's Majesty. Some time after the Pequot war was closed in 1639, and our charter from the Parliament (March 14, 1643-4) the government of Massachusetts wrote (August 27, 1645) to myself, then Chief-officer in this colony, of their receiving of a patent from the Parliament for the then vacant lands, as an addition to the Massachusetts, etc., and thereupon requesting me to exercise no more authority, etc., for they wrote their charter was granted some few weeks before ours (Ante, p. —). I returned what I believed righteous and weighty to the hands of my true friend, Mr. Winthrop, the first mover of my coming into these parts, and to that answer of mine I never received the least reply; only it is certain that at Mr. Gorton's complaint (May, 1646) against the Massachusetts the Lord High Admiral, President, said openly in a full meeting of the Commissioners that he knew no other charter for these parts than what Mr. Williams had obtained, and he was sure that that charter which the Massachusetts Englishmen pretended had never passed the table. Upon our humble address by our agent, Mr. Clark, to his Majesty (1661), and his gracious promise to renew our former charter, Mr. Winthrop by some mistake had extended upon our line, and not only so, but, as it is said, upon the lines of other charters also. But the King's Majesty sending his Commissioners (1664) to reconcile the differences of and to settle the bounds between the colonies, yourselves know how the King himself, therefore, hath given a decision to this controversy. Our grant is crowned with the King's extraordinary favor to this colony, as being a banished one, in which his Majesty declared himself that he would experiment, whether civil government could consist with such liberty of conscience. This his Majesty's grant was startled at by his Majesty's high officers of State, who were to view it in course before sealing, but fearing the lion's roaring they couched, against their wills, in obedience to his Majesty's pleasure. Some of yours, as I heard lately told tales to the Archbishop of Canterbury, viz.: That we are a profane people and do not keep the Sabbath, but some do plough, etc. But,

first, you told him not how we suffer freely all other persuasions, yea, the common prayer, which yourselves will not suffer."¹¹

In 1675 Gorton received information that the Connecticut Indians intended to invade the Narragansett country. He had early, by his influence with the Narragansetts, prevailed upon them to observe peace, to abide the tribunal of the English government and refrain from avenging the death of their Chief; and he sent a request to Governor Winthrop of Connecticut that he would have the now intended invasion forbidden. Continuing upon the subject, Gorton writes: "My thoughts are in exercise concerning the policy of the English in these parts. People are apt in these days to give credit to every flying and false report, and not only so, but they will report it again, and by that means they become deceivers and tormentors of one another by speech and jealousies. There is a rumor that the Indians are in combination to root out the English, which many fear (for my own part, I fear no such thing) as though God brought his people hither to destroy them. I rather fear our vain hopes groundless expectations, that they will become Christians, when they are invested with naught else but littler principles and grounds of hypocrisy. The Gospel is of a purer nature than to consist in ornaments and telling of history without revealing the mystery thereof, which is Christ in his saints the hope of glory. I remember the time of the wars in Ireland (when I was young, in Queen Elizabeth's days of famous memory), when much English blood was spilt by a people like unto these, the Earl of Terrone being their leader, where many valiant soldiers lost their lives, divers noble men earnest for religion, whose names are upon my heart still; and in my latter days I have been in company with ancient preachers of God's word, men of God, now fallen asleep, who have lamented the loss of some of those noble men (naming them) with weeping tears, having in their lifetime been intimate with them in religious and godlike concerns. I think we have no cause to suspect God's hand toward us in these parts, which hath removed us into a place more suitable for us, wherein the people are multiplied beyond thoughts of heart; and with all the natives decreasing by war among themselves and by disease. If God make room by such means for the spreading of the English, it seems more suitable than the sword unto that royal leave which was granted to his subjects to plant themselves in these parts; and also to the charge given together with it, namely, that none of the English should take any lands from the natives without giving them satisfaction for it. And is it to be doubted that the not observing this charge is a great and universal grudge among the Indians at this day; while men take up lands and plant upon them as their own, without any retribution; at the least not to the Chief Sachems, if any small thing at all, to some base, inferior fellow, which makes the Sachems afraid lest by this means in short time they shall be spued out of the country for want of land to reside upon. And for aught that I have learned, this was the cause of that barbarous slaughter made of our friends at the Dutch plantations. Sir, my humble submission consists in my prayers to God for you and yours."¹²

Rec., i, 457-460. Nar. Club Papers. "Rhode Island's Gift to the Nation," by Sidney S. Rider. ²4th Mass. Collec., vii, 627. ³Arnold's Hist.

CHAPTER XIX.

The King Philip's War—The swamp battle—Capture of Philip's wife and son—The Narragansetts' extinction—Warwick destroyed—Providence and Pawtuxet burned, and two of the family of Massachusetts ex-subject and Pawtuxet claimant slain.

In 1675 began what is known as the Philip's war, the final conflict between the colonies and the Indians, which resulted in the latter's extermination. Though the Rhode Island and Providence Plantations hardly took an active part in it, her geographical position caused her to suffer more than the other colonies. Warwick being more exposed, was one of the chief sufferers. The storm had been gathering ever since the tragic death of Miantinomi. Although neither England nor Rhode Island could give the Narragansetts the expected redress, they, through the advice chiefly of Gorton and Williams and the friendship existing between them and the people of Providence, allowed the death of their Chief, Miantinomi, to pass unavenged. But they were eventually, and from circumstances that left them no honorable choice, forced into the conflict. Philip, the second son of Massasoit, was the Chief of the Wampanoags. His elder brother Wamsutta, who had succeeded his father as Sachem, had fallen under suspicion of the settlers, been seized and confined, from the effects of which, it was believed, he fell into a fever and died. Philip succeeded his brother as Sachem, and the English, suspecting him of plotting against them, charged him and with such proofs that he made a confession, and submitted to the disarming of all his people. Subsequently, a new exaction was made, requiring him to pay a £200 penalty, and not to sell land or make war without the consent of Plymouth. Philip, in a reply to a friend who tried to persuade him from the contemplated war, complained: "They tried my people by their own laws and assessed damages which they could not pay. Their land was taken. At length a line of division was agreed upon between the English and my people, and I myself was to be responsible. Sometimes the cattle of the English would come into the cornfields of my people, for they did not make fences like the English. I must then be seized and confined till I sold another tract of my country for satisfaction of all damages and costs. Thus tract after tract is gone; but a small part of the dominion of my ancestors remains. I am determined not to live till I have no country."

Acting upon this, he appealed to the sympathies and the recollections of wrong to the different tribes, and urged them to forget their ancient animosities and combine for restoring them to their liberties and their domain. He gathered around him a great body of warriors, joined with him most of the other tribes, and the general war was commenced. The Narragansetts remained neutral. They received with kindness, fed, clothed and nursed the old men, women, children and disabled warriors that took refuge with them. These acts drew down upon them the more the hostility of the English "and opened for them the gulf for their destruction." The Narragansetts were ordered to give them up; Canonchet, the son and successor of Miantinomi, refused, and a force of eleven hundred and thirty-five men, besides volunteers that joined it, marched through the towns of Providence and Warwick against them. On the next day, December 11th, the army was on the march to the place where the Indians had taken refuge. Here occurred the celebrated "Swamp" battle. Upwards of two hundred of the English were killed and wounded. Within the enclosure or fort five hundred Indian wigwams were set on fire, in the flames of which

perished not less than three hundred of the sick and wounded, the infants and aged. The entire loss of the Indians in killed, wounded and prisoners was not less than one thousand, including those who perished in the burning wigwams. This was the principal and decisive battle, though afterwards there were several skirmishes and many towns were burned.

About the middle of January one of the elder Sachems of the Narragansetts sent a message to General Winslow, requesting a month's delay in order to adjust the terms of peace; but he regarded this as an artifice to gain time, and shortly after, on January 27th, 1676, marched to the swamp where they were posted. They, anticipating his approach, abandoned this country, pursued by the English forces, and seventy of their people were captured and killed. Ten times in the course of 1676 the English swept the devoted region and rooted out all that dared to remain; all were killed, captured, or dispersed, many perishing miserably by famine. From the 27th of January, 1676, the day of the departure of the main body, the Narragansetts ceased to exist as a distinct people. They blended with the followers of Philip and shared his fortunes.

Canonchet, the son of Miantinomi, the last grand Sachem of the Narragansetts, was captured in the month of April. He was *offered his life if he would procure the submission of his tribe*. This he refused to do. When told he must die, he replied: "I like it well. I shall die before my heart is soft, or I have said anything unworthy of myself." To insure the fidelity of the friendly tribes by committing them to a deed that would forever deter the Narragansetts from seeking their alliance, it was arranged that each of them should take a part in the execution. Accordingly, the Pequots shot him, the Mohegans cut off his head and quartered him, and the Natics, who joined the English, burned his body and sent his head as "a token of love and loyalty to the Commissioners at Hartford."

July 2d "the English army marched to the south and surprised them in a cedar swamp near Warwick. A great slaughter ensued. Mangus, the old queen of the Narragansetts, a sister of Ningret, was taken and with ninety other captives was put to the sword. One hundred and seventy-one Indians fell in this massacre, without the loss of a single man of the English. Thence they scoured the country between Providence and Warwick, killing many more."

"Captain Church was commissioned by Governor Winthrop to proceed with a volunteer force of two hundred men, chiefly Indians, to attack Philip in his retreat near Mount Hope. For several days they pursued the Indians from place to place, killing many and taking a large number of prisoners, among whom were Philip's wife and only son." Philip was subsequently pursued into a swamp, where he was shot through the heart by Alderman, an Indian, whose brother Philip had indignantly slain because he had counselled him to sue for peace. Thus perished Philip, who declared he would not live until he had no country. His head was sent to Plymouth, where it remained set up on a pole for twenty years; one hand was sent to Boston as a trophy, and the other was given to Alderman, who exhibited it for money. The body was quartered and hung upon four trees as a vivid illustration of the barbarity of the age.¹ Philip's chief councillor, Anawon, escaped from the swamp with most of Philip's followers, but was a few days after captured by Capt. Church, who sent him alive to Ply-

R. I., i, 411. Hubbard's Indian Wars, 157, 158, etc.
Magnalia, ii, 498, 499. Quartered with an axe.

¹1st. Am. Ed.
²Lands of R. Island,

mouth, where he was shot. Most of the other captives who were conspicuous for their bravery or position met a similar fate.⁶ Quinapin, a cousin of Canonchet, and next in command to him in the great swamp fight, with his brother, was tried at Newport by a council of war and was shot. The young Metacomet, son of Philip, with many other captives, was sent to Spain and the West Indies, where they were sold as slaves. Until after the invasion of the Narragansetts, the people of Rhode Island appear not to have participated in the war with their Indian neighbors, and regarded it as at least of doubtful justice; but when commenced, it left them no choice. They subsequently so far followed the example of other colonies as to execute one if not two of the Narragansett under-Sachems as adherents of Philip, and to sell some of the captives, not as slaves for life, but as servants for a term of years.⁷ To this sale some men who had been leaders in the liberal party agreed, but Gorton was not one of them; we never find him violating the unwavering principles of his character by engaging in so inconsistent an act.⁸

The war was now at an end; not a single free Narragansett remained in the country they had lately occupied. The Warwick settlers, from their exposed situation, had early⁹ removed their stock and goods to Portsmouth;¹⁰ but their dwellings, all with the exception of one of stone, had been burned, every field had been laid waste, and the bridges as well as every other improvement destroyed; the people for the second time found a home on the island. Tradition says that Gorton was rowed by friendly Indians across the bay to a place of safety. Providence was burned, destroyed, only five houses remaining, and Pawtuxet also was burned; and William Carpenter, one of the Pawtuxet partners, ex-subject of Massachusetts, who lived on land of Warwick, was despoiled of 200 sheep and 50 cattle, and two of his household were slain.¹¹

CHAPTER XX.

The Massachusetts court unable to longer delay obedience to the King's commands—They send Stoughton and Buckley to England—Rhode Island Assembly choose Danford and Baily, of Newport, as agents to England—Their departure delayed pending the suits of the Pawtuxet claimants—Trial of the Pawtuxan claims and verdict in their favor—Warwick men appeal, and resolve to carry a petition to England—Gorton, Greene and Holden again chosen to lay a petition before His Majesty—Gorton's death—Greene and Holden depart immediately with the petition—They procure from the King in council a stay of proceedings—A powerful petition—Its presentation by the Warwick men to the King—King orders the Massachusetts government to send other agents empowered to negotiate a settlement and to repeal the obnoxious laws—They send Nowell and Richards—Quo-warranto issue summoning the corporation of Massachusetts to England—The Massachusetts charter pronounced void—King Charles the Second's death—King James' declaration under which the intolerant practices of the leagued colonies end.

175. Baylie's Hist. Plymouth, Pt. 3, p. 136. Hubbard's Indian Wars. Disjointed fingers and toes of Narragansett prisoner. ⁶Judge Durfee's Works. R. I. Rec., ii, 549. ⁷Arnold's Hist. R. I., i, 419. Mackey's Life of Gorton. Gammel's Life of Williams, 149. R. I. Collec., v, 170. Most of the leaders of the liberal party opposed enslaving the captives; we find Ralph Earl, a member of the 1639 Model Govt., actively opposing it. Portsmouth Rec., i, 70. R. I. Collec., ii, 152 and note. Church's Indian Wars, Boston, 1845, p. 51. ⁸Directly after the hanging of Poagonet, R. I. Rec., ii, 519. ⁹R. I. Rec., ii, 533. ¹⁰Austin's Allied Families, 58. Foster Papers, R. I. Rec., ii, 556, etc. Hubbard's Ind. Wars, 214. Church's Philip's War. Lands of R.

Charles the Second had now for some time, at least since the time of the closing in 1667 of the work of his Commissioners, been absorbed with exciting questions at home to the unavoidable neglect of the colonies, during which interval, although the signification of his will respecting the bounds set by his Commissioners had been in some parts regarded by the Massachusetts Magistrates, his other wishes were not obeyed; and the Narragansetts, for whom he had undertaken to provide protection, had been destroyed. But the continued complaints and urgent appeals to him from the neighboring colonies against the proceedings of the Massachusetts Bay rulers now awakened his renewed attention.¹ The Massachusetts Court, unable to longer delay in violation of the King's repeated commands² to send representatives to appear before him, on October 30th, 1676, sent Stoughton and Buckley to England.³

The Rhode Island Assembly in May, 1677, chose Sanford and Baily, of Newport, agents to the government in England;⁴ but their departure was delayed pending the suits of the Pawtuxet claimants.

Harris, having in the trials in behalf of the Pawtuxet claimants been unsuccessful, had in 1675 gone to England and laid a petition before the King. Harris petitioned for a commission of eight judges, two of whom should come from each of the four colonies of Plymouth, Massachusetts, Connecticut and Rhode Island, assisted by a jury of twelve men, two of whom should come from Plymouth, four from Massachusetts, three from Connecticut and three from Rhode Island; and a royal order granting Harris' petition was issued. Plymouth, Massachusetts and Connecticut had been possessed of much more than one-half of the entire colony of Rhode Island and had claims enough set up to cover the whole, and Harris was at this time in league also with Connecticut, acting as her agent in England in urging her claims against the colony of Rhode Island. Harris was at the same time in the pay of Connecticut for advancing her claims to Narragansett; of Plymouth for advancing her claims to Providence and Pawtuxet; and of the Rhode Island government—the Newport Cabal—for advancing his own and his partners' claims to Providence and Warwick; the Pawtuxet partners being willing that any government should have jurisdiction that would aid them in possessing the soil. A bill from Harris for his services was presented to the court at Newport on October 27th, 1662, and another for his service against the town of Warwick was presented to the court at Newport on November 17th, 1677.⁵ Nine of the twelve jurymen came from Plymouth, Massachusetts and Connecticut colonies. These colonies wanted jurisdiction over these lands. Rhode Island seemed doomed. This court prepared for business in Boston and then adjourned to meet November 17th, 1677, in Providence. Four days later the jury rendered their verdict in favor of Harris, sustaining the claims of the Pawtuxet party to the whole northern and western portions of the colony west of the line of separation from Providence, which was recorded by them in Boston, and placed the running of the line as requested by Harris upon the town of Providence. A delay was effected by Providence denying the line to be run.

The Warwick people, alarmed both at the success of the Pawtuxans and the claims urged by Connecticut to the Narragansett dominion, on the 29th of November⁶ resolved to, at their own expense (any of the other towns contributing to it that chose to), send the former potent

Island.

¹Ryerson's *Loyalists of Amer.*, i, 187.

²Papers, 210-510.

³Mass. Rec., v, 163.

⁴R. I. Rec., ii, 580.

⁵Preserved in the Mss. Arnold's Hist. R. I., i, 432-438.

⁶Arnold's Hist.

agents of the colony⁷ to lay a petition clearly reciting these causes to his Majesty for his determination. Gorton's death occurred on the 10th of the next month, December, but Greene and Holden departed with the petition almost immediately thereafter. They were received by the King, as he had promised, with his most gracious favor, and forthwith procured from him in council a stay of the proceedings.⁸ This order from the King, although not the final act, was nevertheless fatal to the claims of the Pawtuxans, for contemporary with this the political prestige of the party passed and Rhode Island was again saved from destruction. "Gorton and his companions triumphed at last. Rhode Island owes them a heavy debt."⁹

The many orders of Parliament and of his royal hand and the express provisions of his charter, that the inhabitants of the Rhode Island and Providence Plantations should have perfect freedom to pass and repass without let or molestation into the other colonies, and to hold intercourse with such of their people as were willing, "any act, clause or sentence in any of the said colonies provided or that shall be provided to the contrary notwithstanding," and his letter with it expressly calling the Governor and council of Massachusetts to it and requiring their obedience, had been by the Massachusetts rulers to this day unheeded. In the hearing before the King and council the Warwick men at once fell upon Massachusetts and the Massachusetts agents "with great severity in a petition, relating the facts of the case, exposing the fallacies of their opponents, repelling their attacks upon the loyalty of Rhode Island and adducing record proofs of the disloyalty of Massachusetts," concluding with a series of requests; first, that a Supreme Court of jurisdiction over all the colonies might be erected in New England, whereby equal justice might be rendered, boundary disputes adjusted and civil war, which must otherwise result from "the oppression of an insulting and tyrannical government," might be averted; second, that the royal letter of 1666, confirming the acts of the Commissioners in behalf of Rhode Island, might be renewed; third, that Connecticut might be compelled to restore the town of Westerly taken from Rhode Island by force; and lastly, that the decisions of Massachusetts against Warwick men, especially the decree of banishment against them, now of thirty-five years' standing, might be annulled. The original of "this masterly State paper, as conclusive as it is severe,"¹⁰ is filed in the British State Paper Office.¹ It is not printed in the Rhode Island Historical Collection, although it should be, as it is the only one of Rhode Island's papers preserved that is a fitting reply to the apologetical reply of Massachusetts. Rhode Island does herself injustice by publishing in her collection, as she does, one without the other.

The petition was accompanied by various documents corroborating the position advanced by its authors. These documents are not all filed with the petition, but are scattered among other papers in the same and other volumes in the British State Paper Office. Reference is made to a letter in answer to Gorton's addressed to the King which cannot be found, unless one of the letters, April 27th, 1678. December 13th, 1678, July 4th, 1679, and a peremptory order requiring the Massa-

R. I., i, 434, 463.

⁷Arnold's Hist., i, 434.

⁸Rider's R. I. II.

Tract, 2d Ser., No. 4.

⁹Wm. D. Ely, John A. Howland, R. I. Hist.

Soc. Proceedings, 1887-88, 1890. Massachusetts owes him a heavy debt, for had the Providence Plantations been brought under their jurisdiction and the refugees surrendered to them, as they requested of Coddington, the early writers could not as they did justify all the disciplining acts, so great would have been their number.

¹⁰Arnold's Hist., i, 446.

¹New Eng. Papers,

iii, 24-27. A portion of an address from Warwick men to King Charles the

chusetts Magistrates to revoke the order of banishment is that to which reference is intended.

On April 27th, 1678, the King addressed the Massachusetts Court a letter of rebuke and instructions; among the latter that the oath of allegiance as established by law in England be administered to all of the proper age.²

The Warwick men, who in point of talent had few or no superiors in the colony, showed themselves fully competent for the most difficult labors of defense or negotiation, and were fully employed in the defense of the rights of the colony. The Newport agents remained at home. An advertisement, dated July 30th, 1678, and signed by Simon Bradstreet and others of Boston, styling themselves a company to dispose of the Narragansett lands, was posted in Newport and other towns; and Connecticut had petitioned to the King for a part of the Narragansett territory. The Warwick men were called upon to answer the averment of the petitioners. This they did with signal ability. The printed advertisement to dispose of the Narragansett land was presented by them to the Royal Council, and an order was at once issued for the Massachusetts agents to appear and show upon what title the lands were claimed. The Massachusetts Agents informed the Council that it was a private claim. This admission, together with the representation of Greene and Holden in answer to the Connecticut petition, was embraced in an order of council issued the same day requiring that notice should be sent to New England to leave King's Province in its present condition, and that those who claimed ownership or jurisdiction there should forthwith send agents to prove their right before the King. The following week a peremptory order was issued annulling the sentence of banishment that had been passed by the Massachusetts Court against the Warwick people thirty-five years before, and commanding the said court to repeal the same and to allow those persons, at all times, free access within their jurisdiction. The terms of the order were unusually decided and indicate a strong feeling of condemnation in the Royal Council at the arbitrary conduct of Massachusetts toward the adherents of Gorton.³

This was a gratifying advance toward ending the occasion for the complaints of the Rhode Island and Providence Plantations against Massachusetts and other colonies. The Warwick men were longer detained upon incidental matters of the colony, after effectually disposing of which they returned home. The agents for the other colonies, not offering anything to induce their lordship to differ in opinion from that expressed in his order of December 13th, a decree was later issued declaring void all other than the Rhode Island and Providence Plantations claims.⁴

The services of the Warwick men to the colony were rendered gratuitous; and they neither asked or received any payment for their passage to England nor maintenance while there. After their return, the government at Newport voted them £45, which they had paid on the colony's account in England, and £15, the amount of their passage home.⁵

Second in 5th Mass. Collec., i, 505. Callender's Discourse, R. I. Collec., iv, 92, mentions the address of Gorton to King Charles the Second, presented in 1679. Chalmers' Annals, Book i, ch. viii, 197, 198; ix, 273.

²Hutchinson's Papers, 515, 516, or ii, 253. Mass. Rec., v, 193. Reference thereto in R. I. Rec., iii, 62.

³Arnold's Hist., i, 452, 493. R. I. Rec., iii, 18, 37, 41, 58, 60, 67. Original Pet. in British State Paper Office, New Eng. Papers, iii, 49. Order upon it xxxii, 312, ante p.

⁴Arnold's Hist., i, 505. R. I. Rec., v, 370-373.

⁵Arnold's Hist., i, 447 note; R. I. Rec., iii, 47. July,

The Massachusetts agents returned with a letter from the King to the Massachusetts Magistrates bearing date July 24th, 1679,⁶ with commands to send over other agents within six months from the receipt of the letter, empowered to negotiate a settlement, to repeal all laws that were contrary to the laws of England, requiring suitable obedience in respect to freedom and liberty of conscience, and appointing Edward Randolph a collector and surveyor for the colonies. Another letter on September 30th, 1680, commanded obedience to the former letter, and that the representatives to attend his Council be sent within three months from the reception of the present order.⁷ This letter led to the calling of a special court, and Samuel Nowell and John Richards were elected as agents to England, according to the King's commands; but with power so restricted as to render them incapable of giving satisfaction, and a writ of *quo-warranto* was issued June 27th, 1683, summoning the Corporation of Massachusetts Bay to defend their acts against the complaints and charges made against them; and judgment was entered the next year pronouncing their charter void.⁸

The person selected by the King to govern the people of the provinces was Pusey Kirk, but before his commission and instruction were completed all was delayed by the demise of King Charles, which took place the 6th of February, 1685.

Dudley was commissioned by the new King as Governor, with instructions to give universal toleration of religion. Dudley was within seven months superseded by Andros, with instructions of a more stringent character, which instructions he fulfilled to the letter.

It is singular that toleration in Massachusetts should have been proclaimed by the arbitrary James in a declaration above and contrary to the law for which he received the thanks of the ministers of that colony, but which resulted in the loss of his crown in England.⁹

James' Declaration of Indulgence was proclaimed 1687, and now for the first time Quakers, Baptists and Episcopalians enjoyed toleration in Massachusetts. That system or religious tyranny, coeval with the settlement of New England, thus unexpectedly received its death-blow from a Roman Catholic, who professed a willingness to allow religious freedom to others as a means of securing it for himself.¹⁰

CHAPTER XXI.

Permanent return of Warwick people to their homes—The triumph of religious freedom and end of attempted subjugation of the Providence and Rhode Island lands and people—The adoption of their principles as the cardinal doctrine of the Nation—Closing events in Gorton's life—Honors accorded him—His character and his teachings.

It was in the spring of 1677, after the Indian war, that Gorton and his people again, and this time permanently, returned to Warwick, their home, a barren waste; themselves, most of them, destitute of all earthly goods to start again, many of them now in their old age, at the foot,

1679. ⁶Hutchinson's Papers, 510-522, or ii, 257-261. Letter in Ryerson's *Loyalists of Amer.*, i, 187-189 notes. ⁷Ryerson's *Loyalists of Amer.*, i, 193, 194. Hutchinson's Papers, 522-525, or ii, 261-264. ⁸*Loyalists of America*, i, 207-210. ⁹*Loyalists of Amer.*, i, 216. ¹⁰Hildreth's *Hist. of the U. S. of America*, 1st Ser., ii, 109. ¹Arnold's *Hist.*, i, 192.

the toiling rounds of life's ladder. With undaunted courage they set to rebuilding their dwellings. Yet suffering as they were from despoliation, few people were as happy as they who now enjoyed the triumph of the principles for which they had set apart their lives; unmolestedly laboring to rear for themselves comfortable abodes and surroundings, while worshipping God according to the dictates of their own consciences.

In reviewing the efforts of Massachusetts to extend her jurisdiction and to attach to herself any residents of the Providence Plantations, and to lead the people in revolt against the charter, the claims of the other colonies and the great sufferings and trials that the people endured, the historian of Rhode Island says: "As we examine the progress of this deeply laid scheme and observe the steadiness with which it was pressed through a long series of years, we cannot but admire the firmness of our ancestors in foiling at every turn, nor can we fail to recognize the hand of a Supreme power in preserving a colony whose peculiar principles at first made it an object of aversion, and finally were adopted as the cardinal doctrine of a whole nation."

On the 4th of June, 1677, Gorton was chosen to the Town Council of Warwick for the ensuing year, and his son Samuel was at the same time chosen Treasurer. On November 27th the father signed a deed of lands in the Narragansett country to his sons and his six daughters and their husbands; and on the 27th of November by another deed he divided the remainder of his estate among his three sons, Samuel, John and Benjamin. To Samuel for aid in supporting the family while he was absent in England he gives his homestead and library; he also committed to him the care of his mother, providing that she be maintained with convenient housing and necessaries and that means should be furnished for her "recreation in case she desired to visit her friends."²

Before the close of the year, on or the days before the 10th of December, the leader of these early struggling and liberty-loving people, Samuel Gorton, was called to his rest, he being eighty-five years of age. Ripe in years spent in good works, "always enjoying the confidence of his fellow-townsmen,"³ and "retaining to the close of his days the affectionate esteem of his fellows and fellow-citizens."⁴ "Gentle and sympathetic in private intercourse, generous and sympathetic in nature, he awarded to others the same liberty of thought and expression which he claimed for himself."⁵ "He was universally beloved by all his neighbors and the Indians, who esteemed him not only as a friend, but one high in communion with God in heaven. Gorton was a holy man, wept day and night for the sins and blindness of the world; his eyes were a fountain of tears and always full of tears; a man full of thought; had a long walk out through the trees or woods, where he constantly walked morning and evening, and even in the depth of night, alone by himself for contemplation."⁶ In one of his last letters, that to Governor John Winthrop, Jr., of Connecticut, he mentions death with the request that it "be accompanied with a requiem at his departure, the burden of which should be this: 'that true Christian religion consists only in that wherein the soul of a believer continues still in communion with the Spirit of God in Christ, when the natural body is gone down to the grave.'"⁷

²Warwick Records; Austin's R. I. Genealog. Dict.; Dr. Jones' "Samuel Gorton, a Forgotten Founder of Our Liberties."

³Chief Justice Staples' Int. to R. I. Collec., ii. Jared Sparks' Am. Biographies, 1st Ser., xv. ⁴Oliver Payson Fuller.

⁵Dr. Ezra Styles' acct. from the aged Mr. John Angel, R. I. Collec. ⁶4th Ser. Mass. Collec., vii, 626. ⁷Hon. Samuel

"I have read almost every word that is legible of the records of the colony from its first settlement till after the death of Gorton. From the first establishment of the government he was almost constantly in office, and during a long life there is no instance of record to my knowledge of any reproach or censure cast upon him, no complaint against him, although history furnishes abundance of evidence that there was no lack of enemies to his person, principles or property. This can hardly be said of any other settler in the colony of any standing. It was this fact that fixed my opinion of the general tenor of his conduct and the uprightness of his character. I remember an instance in which he applied to be excused from serving in the Court of Commissioners, and assigned his long services as a reason. He constantly enjoyed the confidence of his fellow-townsmen and received from them the highest honors in their gift." "To the charge made against him by Morton he could truly as well as indignantly say: 'Whose ox or whose ass have I taken, or when or where have I lived upon other men's labors and not wrought with my own hands for the things honest in the sight of men to eat my own bread?' None could gainsay him, although his reputation for morality as well as righteousness was laid broadly open and in the search for everything picked clean to the bone."⁸ "The whole tenor of his life shows that he was conscientious, sincere and in all matters of fact honest and truthful."⁹ "The community in the midst of which he lived, trusted and honored him to the last, and few testimonials to integrity of character are better than this. It is a remarkable circumstance that he always retained the affection of his neighbors and friends. The few 'dissenting freemen' of Warwick never were his neighbors or friends, but were interloping enemies who followed him to Warwick to decry his virtues, to break up the settlement, to obtain his land. He generally succeeded in satisfying the candid. That he must have been possessed of great and shining virtues is sufficiently evident from the fidelity with which his early adherents followed through life his changing fortunes and by their never-failing confidence in his worthiness to fill public office of the highest trust and of the greatest importance to the general weal."¹⁰

He was their chosen Representative to the Assembly in the years 1649, 51, 52, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, and 66; served a number of terms in the Upper House, corresponding to the present Senate; was Associate Judge of their highest court; and was their President or Governor for the term beginning in 1651 and ending in 1652. He was a multitude of times selected to audit the accounts of the colony, to care for the Lord Admiral's letters and other highly-prized documents, and more than any other man in the colony called upon to draw up important State papers, many of these now unfortunately no longer extant; and his old age was continually honored by the gift of the most important civil offices.¹

Sidney S. Rider, whose knowledge of these early men, obtained from a lifelong study of their works, is not exceeded by anyone living, says that Gorton was "one of the most learned men then living in New England" (*Lands of Rhode Island*, 201). In the languages, in the law and in letters he was exceedingly proficient. His early associations good; his wife as tenderly reared as any lady in the colony; her family educated and refined; her brother a college president, an

Eddy in 2d Ed. Savage's Winthrop.
68.

⁸Bryant's Hist. United States, ii,

⁹Col. Thos. Aspinwall in Remarks on Narragansett Patent.

¹⁰Mackey.

¹2d Ed. Sparks' Am. Biog., Life of Samuel Gorton, v, 376.

excellent Latin poet. And their family relations with Gorton and with one another appear to have been the best, they sending to him and to their daughter the herds of fine-bred cattle—among the first in the colony—for the pastures about his pioneer home. Mr. Rider in his forthcoming "Constitutional History of Rhode Island" will show that Gorton had no intellectual superior in New England; and that in courage he was not less than sublime. To Samuel Gorton, for his work in sustaining and preserving the charter and government, Wililam D. Ely says: "Rhode Island owes him a great debt."

During the year 1667 he had declined to again accept a government office, he then being seventy-five years of age. The year preceding his death his eldest son, Capt. Samuel, was chosen a Representative, and served in the House and in the Senate to defend the now constitutionally established principles of soul liberty for sixteen successive years. Under the order of the King's Commissioners, that the Governor and his Assistants or Magistrates should rule in the Narragansett Province, the latter was one of the Magistrates to govern there, and was one of the Court of Justice who sat in the Province. He was selected to oversee the laying out and allotment of the lands of East Greenwich, "that it be fairly done," was one of those selected to answer the twenty-seven questions sent from the Lords of his Majesty's Privy Council to the colonies, and for many years served upon the committees who drafted the colonies' letters to the King. Samuel Gorton has been honored also in the persons of his other sons and numerous of his descendants. His sons John and Capt. Benjamin were among the founders of the town of East Greenwich, those to whom the colony granted five thousand acres of land. Capt. Benjamin was a Representative in both the House and Senate. Gorton's grandson, Othniel, also was a Representative, and Othniel, Jr., was for seven full terms a member of the General Assembly from Warwick, and in 1761, in connection with Stephen Hopkins and Job Bennett, Esquires, was directed to prepare a reply to the questions which had been proposed by the Lords Commissioners of the Plantations; was Speaker of the House in 1787, and the same year was one of a committee to draft a letter from the colony to the American Congress. In June, 1788, he resigned his position in the Assembly and became Chief Justice of the Superior Court, which position he retained until May, 1791.² "General Nathaniel Greene, next to George Washington, the most eminent military leader in the contest with Great Britain, traced his lineage directly to John Greene and Samuel Gorton, noble founders of the liberties which he fought to sustain; as did also Colonel Christopher Greene of Revolutionary fame. Albert Gorton Greene, a descendant of John Greene, Samuel Gorton and Randall Holden, three of the original settlers of Warwick, became a judge of the Municipal Court in the city of Providence, and is well known to three generations as the author of 'Old Grimes' and other popular ballads and poems. The late Governor Henry Lippitt and the recent Chief Magistrate of Rhode Island, the Hon. Charles Warren Lippitt, as well as the late Lieutenant Governor, Samuel G. Arnold, the historian of the State, and the present Lieutenant Governor, Lewis S. Chanler, of New York, and the present Bishop, Henry C. Potter, of New York, are direct descendants of Samuel Gorton."³ Among his descendants are several each of United States Senators, Members of Congress, Major Generals, Governors of States, Judges of Supreme Court, Senators and Assemblymen, Church

R. I. Records.

²R. I. Hist. Tract, No. 10.

"Samuel Gorton, a Forgotten Founder of Our Liberties."

³Dr. Janes in 'Oliver

Bishops, and Moderators, Renowned Missionaries, Distinguished Authors, Etc., representing nearly every State and Territory in the Union. Some scores of his descendants served with honor and distinction in the early wars, the Revolution, the war of 1812 with Great Britain, the Civil War, and in the United States Congress, and very many of his living descendants are eminent in literature and the professions.

His published works are: "Simplicity's Defense," "Incorruptible Key," "Saltmarsh," "The Common Plagues," and "Antidote Against Pharisaical Teachings." A Commentary on the Lord's Prayer was left by him in manuscript, unpublished.

One does not find in his published works any detailed system of faith; he did not attempt to build up a sect or claim anything new in revelation or Scripture interpretation. His religious opinions, if peculiar then, are no more so now than exists in any congregation. "The essential gospel truths as held by the great body of evangelical Christians of the present day are those that were held and preached by him." He made but small account of the forms of religious worship and laid not much stress upon most of the dogmas of theology; a right temper of heart being in his view the one thing needful, and the union of the believer with Christ in love the great saving doctrine of revelation.⁶ A thorough study of his theological writings by one well qualified for an understanding and proper comparison of their teachings with the various systems has been made by Dr. Janes, President of the Brooklyn Ethical Association, whose exposition of them and conclusions regarding them he has published in his "Life of Samuel Gorton," to which the reader is referred, from which by permission we briefly quote in the following: "By far the best and most complete exposition of Samuel Gorton's religious convictions is to be found in a remarkable manuscript in his own handwriting which has never been published, but which is preserved in the library of the Rhode Island Historical Society in Providence. The manuscript to which I refer is a running commentary on the Lord's Prayer. I have examined many papers of contemporary and more recent dates, but with the exception of those left by his eldest son, Capt. Samuel Gorton, who was evidently instructed by his father, and whose handwriting resembles his so closely as to be distinguishable from it with difficulty. I have never seen any so clear, systematic and scholarly in appearance. When the reader has searched dilligently beneath the quaint and involved phraseology, bristling with scriptural references and illustrations, and come into sympathetic contact with the living thought of the writer, the surprising thing which is discovered is the remarkable modernness of many of Samuel Gorton's ideas. It goes without saying that he was not 'orthodox,' according to the conventional standard of his time, nor yet, perhaps, of our own; but we everywhere touch the personality of a vigorous and independent thinker, who in many directions foreshadowed the views of the advanced thinkers of a later day. Some of his enemies denounced Samuel Gorton as an atheist. He was as remote as possible from atheistic leanings. He was not even affiliated with the deism of his own and the succeeding century. His theology was profoundly Christian. The Scripture references to the Father, Son and Holy Spirit he interprets as recognitions of 'spiritual distinctions in the nature of Christ.' They are not separate persons of a godhead, but distinctions of the divine activity, having a unity 'not found elsewhere, but only in Christ.'

"With Channing Samuel Gorton also taught the essential divinity of human nature—the equal nearness of the divine spirit to the sinner and

to the saint. He recognizes a divine spark in every human soul, and to this he made his appeal.⁶ He also, however, accepted the eternal antagonism of good and evil as an unquestionable fact, both in scriptural teaching and in human experience. The tendency of the one is to eternal life; of the other to eternal death. He, therefore, taught a conditional immortality, wholly dependent upon the character of the individual. 'Neither can any salvation hold proportion with the son of God,' he says, 'but freedom from sin.' This saved him from the errors of Antinomianism.⁷ The doctrine of imputed sin and imputed righteousness he denounces as unworthy of the divine character. 'God was in Christ reconciling men unto himself, not imputing their sins.' Nor is this work of reconciliation limited to any historical period. 'God is eternally a creator, eternally a redeemer, eternally a conservator of peace.' The substance of his teaching is that righteousness is life eternal; sin is eternal death. There is no arbitrary penalty inflicted at the close of man's earthly career, or on some future day of judgment; it is the intrinsic and natural result of evil action."

Mr. Gorton distinguished four distinct stages in the historical development of religious ideas: the family, the national, the apostolic, and the spiritual or universal. Considering the period in which he wrote, and the fact that the Bible seems to have been almost his only text book, his conclusions are remarkably consistent with those of modern students of sociology and comparative religion.

The temptation is great to continue this line of exposition and quotation, but I must bring it to a close with one or two additional passages further illustrative of the ethical quality of his thought. All virtue, he taught, even the goodness of God, consists wholly in the service of others. "The goodness of God's nature is such," he says, "that it cannot subsist or be without communicating itself with another; otherwise his goodness should be useless, which cannot be admitted for one moment of time, for there is an impossibility thereof. The natural temporary or typical goodness of any creature is useless unless it be communicated with another; God never made any creature in heaven or in earth simply for itself, but for the use of another; how infinitely more is this true of God, who hath made himself in Christ to be the goodness of the world."

With Theodore Parker, he taught that the entire creative energy was expressed in the divine nature, to conceive which as purely masculine was inadequate, anthropomorphic and irrational; and in one of the most striking passages in his Commentary on the Lord's Prayer he argues for the equal recognition of woman in the church, as a teacher of religion.

In philosophy Samuel Gorton was an original thinker, rather than a student of past systems. In theology he was far in advance of the prevailing thought of his time. Only a few of the minor sects of our own day have yet approximated to his views as to the equal position of woman in the pulpit and the church; only an occasional strong and independent mind has reached his conception of religion as a birthright of the individual soul, to which belongs the inalienable privilege of investigation and interpretation, free from priestly mediation and sectarian bias.⁸

Regarding the Holy Ordinances, such as Baptism and the Lord's Supper, he scorns the Massachusetts Elders' charge that he denied them

mentary Mss., ii, 14, 57.

⁶Gorton was not a follower of Annie Hutchinson. "His theology was original and peculiarly his own." Commentary Mss., 58, Dr. James, 97.

⁸"Samuel Gorton, a Forgotten Founder of Our Liberties," by Dr. James.

⁹Incorruptible Key Introduct.

because he could not join with them in their way of administering, and say: "We revere and practice them." Regarding the law, "Not scrupling," he says, "any civil ordinance for the education, ordering or governing of any civil State." Regarding magistracy, "Keep the office," he says, "according to sobriety within the compass of civil things."¹

"Authority," he says, "cannot safely be entrusted to Magistrates if their place of office be not bounded within the compass of civil things." He argues clearly and logically in the introduction to his "Incorruptible Key" that if Magistrates are permitted to extend their authority to things spiritual they are consistently bound to enforce their own convictions of religious duty, and to persecute all who dissent therefrom. The only safety is in forbidding them "to intermeddle between God and the consciences of men; in this way only is the preservation and honor of all States in their several ways of rule and government."²

One-fourth of the whole number of the original purchasers of Warwick were members of the First Church organized by Roger Williams at Providence; and Ezekiel Holman, also a member, and two others, William Arnold and Stuckley Westcott, also members—*just one-half of the original members of Williams' church were early settlers of Warwick.*³ The last two were early dissenters from Williams' church and continuous disturbers of the peace of the Providence settlers, as well as of the quiet Warwicks. All the others of these joined Gorton in support of the government and in unyieldingly resisting every effort of violence, compromise or arbitration to bring them under any authority that would deprive them of their civil rights or religious freedom. "There is no evidence of their interfering in the affairs of their neighbors, or cultivating any differences among themselves; on the contrary, no community on the continent were more sedulous in courting the good will and confidence of the natives and none practiced more forbearance and endurance under trials, such as are rarely paralleled."⁴

It was within the short time of six months from the final return of the Warwicks, not more than a dozen of them, to their lands which were divested by the war of all improvements, in which short time they could not have erected more than three or four dwellings, that Gorton's death occurred. There had not been, therefore, an opportunity for the establishment of a church there before his death. For about five months only from the completion of the first dwelling was a meeting-house here provided him, wherein he conducted religious service, attended by the few Episcopalians, Quakers or Baptists, not a sufficient number of whom could agree to any one system for the organization of such a church.⁵ Cotton Mather said of them that he could not learn they "were agreed or any one principal so much as this, that they were to give one another no disturbance in the exercise of religion."⁶ They were stigmatized by their opponents, as also they "that crieth out much against them that putteth people to death for witches." At this time "all professed to believe in witchcraft, excepting only those few enlightened philosophers who were branded as impious atheists."⁷

Gorton's advanced position upon the question of human slavery is here worthy of attention. It superseded by about one hundred years

¹Incorruptible Key, Rhode Island, 1645, Introduction. Samuel Gorton, Preston & Rounds, Publishers, Providence. ²Fuller's Hist. Warwick, 298.

³Dr. Henry E. Turner.

⁴Not until about fifty years after Gorton's death, in about 1725, was any denominational society, and that the Baptist, able to organize a church at Warwick.

⁵Wm. Arnold's letter, ante p. 449.

⁶Cotton Mather in Magnali, ii, 449.

⁷Wm. Arnold's letter, ante p. 449.

⁸Pref. to Offer's Ed. Increase Mather's Remarkable Providences.

⁹Dorr's Controversies with

other like legislation upon the subject. His treatment of the Quakers also may be alluded to as an illustration of his practical love of freedom. Although differing with them and strenuously opposing what he conceived to be their errors, he defended their rights and gladly gave them shelter.

"After the venerable founder of Providence," says his biographer, "no man was more instrumental in establishing the foundation of equal civil rights and soul liberty in Rhode Island than Samuel Gorton." In his letter to Clark for presentation to the Lord Protector, Cromwell, he writes "to plead our cause in such sort as we may not be compelled to exercise any civil power over men's consciences, so long as human orders in point of civility are not corrupted and violated."

He was possessed of more literary education than any of the founders save Williams. In law and politics he understood his rights better than did the Elders and Magistrates of Massachusetts; and he at all times showed the courage of his convictions, and he appeared to have asserted no propositions which he could not legally maintain.⁷ Samuel G. Arnold regarded him as "one of the most remarkable men who ever lived." His astuteness of mind and Biblical learning made him a formidable opponent of the Puritan hierarchy. By his bold example, by his written and spoken word he did much that should make his name ever freshly remembered by the friends of civil and religious liberty throughout the wide world.⁸

Dr. James says: "No portrait or adequate description of this forgotten Founder of our Liberties has been handed down to our time. The writer of his brief biography tells us that 'his bearing was courteous, his feelings lively, his mind vigorous and well informed.' From such hints as we may obtain from various sources we may picture him as a man of tall stature, marked features and gentlemanly address; blue-eyed—a typical Saxon; of an earnest and sympathetic nature; persuasive of speech in conversation and exhortation, and freely emphasizing his thoughts with appropriate gestures; quick to resent injustice, and bold in his denunciation of wrong-doers; more eloquent and effective in his spontaneous utterances and unstudied efforts than in the formal and labored style of his written treatise."

Judge Brayton says he was "a man of independent spirit, having a character for truth and honesty, for morality, for courtesy to all and for Christian charity; a quick sense of justice, earnest in the defense of the rights of others as well as of himself, whose boast it was that he never laid his hands in violence upon any human being, not even upon his children."

Bryant says he was sympathetic and affectionate, and with all he was frank and above suspicion, his purity and sincerity unquestioned.

The Boston *Transcript* in a recent article refers to him as "the sturdy Rhode Islander" and "a noble-minded patriot and thinker." No leader of any of the reform movements has inspired his followers with a higher degree of trust, confidence and affection.

Chief Justice Durfee, in a discourse before the Rhode Island Historical Society, said: "Samuel Gorton, the chief man of the settlement of Shawomet, was a person of the most distinctive originality of character. He was a man of deep, strong feeling, keenly alive to every injury, though inflicted on the humblest of God's creatures. He was a great lover of soul liberty and hater of all shams. He was a learned man, self-educated, studious, contemplative, a profound thinker, who, in his spiritual meditation amid ancient Warwick's primeval groves, wan-

dered off into infinite and eternal realities, forgetful of earth and all earthly relations. He did indeed clothe his thoughts at times in clouds, but then it was because they were too large for any other garment. No one, who shall rivet his attention upon them, shall fail to catch some glimpse of giant limb and joint and have some dim conception of the colossal form that is enshrouded within the mystic envelopment. Yet in common life no one was more plain, simple and unaffected than Gorton. That he was courteous, affable and eloquent his very enemies admit, and even grievously complain of his seducing language. He was a man of courage, and, when aroused, no hero of the Iliad ever breathed language more impassioned or effective. Nothing is more probable than that such a man, in the presence of the Massachusetts Magistrates, felt his superiority and moved and spoke with somewhat more freedom than they deemed suited to their dignity. Far more sinned against than sinning, he bore adversity with heroic fortitude; and if he did not conquer, he yet finally baffled every effort of his enemies. The misfortunes and annoyances to which he was subjected exceeded in severity and duration that of any other of the prominent settlers of the colony, and through it all he bore himself in a manner that commands our admiration."

The house that Gorton erected, and where he lived the nine months before he was taken captive to Boston, is supposed to have been shortly after destroyed. The house which he, upon his return from England and return to Warwick in 1648, erected and in which he lived until the King Philip's war in 1675, was, with every other there, destroyed. The house built and occupied by him during the few summer months between the time of his last return there and his death was about two miles distant from the first-mentioned spot. It lay at the head of a small cove which winds its way through pleasant meadows, a little distance inland from what was formerly called Cowesett, now Greenwich Bay. The house faced the water and had a southwestern exposure, whereby it was fanned in summer by refreshing breezes from the sea and was visited in winter by the warm air, fabled to blow from the Indian heaven. In other directions gently sloping hills sheltered it from the inclemencies of a northern climate; a prattling brook, still skirted with the remains of ancient elms, ran hard by, down the gradual declivity into the cove; and on both sides were spread out ample fields, the fertility of whose soil must have annually clothed them with variegated beauty, and the golden rewards of labor. No fairer spot can be found upon the Narragansett shores; none within whose quiet, sunny solitude the founder of Shawomet could better have spent the tranquil evening of his eventful and much harrassed life. Also upon the rising ground in the vicinity his aged eyes were often gladdened with the sight of the pleasant shores and placid waters of the bay and its numerous islands, of Mount Hope in the distance, of the heights of Providence in the north, and of the line of ocean glittering in sunlight on the southern horizon. Tradition says that part of the timbers and stone of Gorton's house are still preserved in the dwelling which stands near the site of the ancient household, and which is now inhabited by some of his descendants. It also points to the family burying-ground, lying a short distance in the rear of the house, as the place, "now without overarching tree or mound," where the hoary patriarch was interred. But the exact spot where his ashes repose is marked by no pious stone or monumental marble. Yet if without other honors, may it at least ever be their privilege to sleep beneath the green sward of a free State."

APPENDIX I.

The first published account of the treatment of Gorton while on the island was by an English clergyman named Lechford, who passed some time in Massachusetts, but not in Rhode Island, and who, in the company of Hugh Peters, Thomas Weld, William Hibbins and John Winthrop, Jr., all Massachusetts agents, on August 3d, 1641, "loosed from Boston," in his book "Plain Dealings," issued from London, Eng., November 16th, 1641, in the words following: "There lately they whipped one Master Gorton, a grave man, for denying their power and abusing some of their Magistrates with uncivil terms. The Governor, Master Coddington, saying in court, you that are for the King lay hold on Gorton, and he again on the other side called forth, all you that are for the King lay hold on Coddington. Whereupon Gorton was banished from the island; so with his wife and children he went to Providence." On the page with this he tells us that deer in New England are "as big as some lions," that "barley there is inferior to the product in England," and that "beans also there are very good." "In many passages," writes Cotton, "Plain Dealings might be called false and fraudulent;" and he probably does not mean the ones referring to the Massachusetts products. [3d Series Mass. Collection, iii, 55, 397; Cotton's Ways of Cong. Churches Cleared, 71; Narragansett Club Papers, ii, 219, note.] The second published account was by Winslow in 1646-7 in that part of his book Winthrop's Book of News in full, edited and improved. It is the anonymous account. The book contains also a copy of William Arnold's letter, a copy of Benedict Arnold's petition, a copy of the alleged letter of Roger Williams, and a copy of the paper drawn up for Winslow's use in England, called "The sum of the presentment of the grand jury" against Gorton, by Coddington. A portion of what appears to have been Winthrop's Book of News, including copies of portions of the Island Records which were "over the secretary's hand," and Coddington's letter naming some of the messengers who secured them, and calling attention to what Peters had written in, was published by Charles Dean, so lately as 1850, with a companion article by himself, in which he unfairly ignores the fact that Gorton was one of the leaders and Magistrate in the Portsmouth government in 1639 and was still a Magistrate in 1644-1645 when Brown visited him. Dean also ignores the official records of certain events that are proof contrary to the drift of his reasoning.

APPENDIX II.

The paper "The sum of the presentment of the grand jury" was a fabulous writing of Coddington's, conceived by him in spite and for Winthrop's and Winslow's use to aid them in their fight against Gorton and the Williams charter in England. There is not any mention of a trial, verdict, sentence or punishment of Gorton at any time in the records or in the copies of them which Coddington "furnished over the secretary's hand" to Winthrop and his agents. Up to the time of Coddington's reassumption of rule at Portsmouth, himself, the Judge and the Elders decided all complaints; he had no grand jury or petit jury. [Mar. 10-12, 1639-40; July, 1640; R. I. Recds., i, 98, 103.] Under Hutchinson's government, the first to inaugurate regular courts, dispense with Elders and provide a jury, *the Governor and his Assistants decided whether any complaints should be brought to the public courts.* [Apr.

30, 1639; Rec. i, 71.] Upon Coddington's reassumption he and his Elders ordered his courts to consist of Magistrates and jury, as organized by the Hutchinson government [Rec. i, 103], and further following their example, dropped the titles of Judge and Elders for that of Governor and Assistants invested with the office of Justice of the Peace, according to the law "that the Hutchinson government had adopted" [Rec. i, 100, 101]; but later Coddington and his court, heedless of the law and their agreement, ordered their court (Mar. 16-17, 1641-2) "to be held according to the ancient form and custom [Ante, p.—], former orders contrary herewith made void," and Coddington again attempted with Elders to call any court either general or sessions. [Rec. i, 123.]

Under Coddington the Sergeant [Rec. i, 65] or Secretary [Rec. i, 95, 96] was required to receive complaints and commend them to the Judge and Elders [Jan. 29, 1639-40; Rec. i, 103, 106, 124]; and Coddington disposed with even this shortly. [Rec. i, 111, 123.] No such form as a Presentment or Indictment was practiced or understood at this time—the summer of 1640—by Coddington and his court on Aquidneck Island under the Pentateuchal system. There were Coroners and Inquest Juries appointed to inquire into the manner of violent death; but no court practice or provision for a Grand Jury for Indictment or the finding of a bill of particulars of complaints against the offenders to be presented to the court with the offenders for trial. The regular method of procedure was much like that before a Justice of the Peace or our Police Courts to-day, and this was all that was required in that sparsely settled village of less than seventy-five male inhabitants, where the court was comfortably held in the small room of some settler's little log dwelling. In Connecticut, while trial by jury was practiced early [Conn. Rec. i, 84, 90], the Grand Jury for Indictment was not adopted till September, 1643 [Conn. Rec. i, 91, 93], and there was no Grand Jury for Indictment in Rhode Island until the adoption of the code for the government under the 1643-4 charter. The minutes of appointments of some kind are inserted with the erroneous editorial date of 1643 in the Bartlett records. They don't belong there; the men named in the appointments were not residents or freemen at that time, and not till many years after. The correct time and date of this was not before the Code, and after this not until in 1648 was the first Grand Jury for indictment called or required. [May and June, 1648; Rec. i, 209, 211.] With the Code was the process first provided that an accused or suspected person should be the subject of an inquest by a Grand Jury or a bill of counts of Indictment presented to the court for his trial.

APPENDIX III.

From the time of Samuel Gorton's return from England to the colony, 1648, until the time when Newport, outstripping the other towns in population and political influence, controlled the affairs of the colony, the records of his public life [even without the records of his Presidential term, 1651, which records were destroyed] show that there was no man in the colony more popular or given more honor, and that he was habitually placed on important legislative Committees, serving on more of them than any other person, where a knowledge of law and superior literary skill was required. The compiler of the printed Colonies Records has indexed to Gorton but a fraction of the Committees on which the records show he served, while others who the records show served on less than he are indexed on many more; and, too, the favored ones have their Committees named, while if they are indexed to Gorton

at all they are indexed by only the meaningless numerals of the page. Others on Committee with Gorton and to write to Cromwell and Clark are indexed to indicate it, while Gorton is not; and, again, where Gorton is on Committee to write to Clark, he is not indexed on it at all. Beginning with Gorton's and Williams' appointment on Committee to write letters to Cromwell and Clark [beginning here because the records of Gorton's services preceding this are too nearly all destroyed to fairly compare with his contemporaries' records] from this appointment, Vol. i, p. 321, to the end of the volume, Gorton served on fourteen Committees, while nine were the most upon which service was rendered by the next most popular citizen. These are but a few of the many omissions of the records' compilers. The living disloyal ones of the State are, as of old, natural politicians, and succeed in obtaining places on the Committees selected for public work. The General Assembly recently printed, at the cost to the State, a pamphlet setting forth that Benedict Arnold, not Roger Williams, was the author of "Soul Liberty." [Report, p. 30, 1901; Reply, Book Notes, Vol. 20, No. 7.] Will some such loyal State of Rhode Island and Providence Plantation man as were Judge Brayton, Judge Staples and Judge Durfee, and are William D. Ely and Sidney S. Rider, write a history of the State. No proper truthful history of the State has ever been published. It is in justice due from the Legislature to its people that it places in all the important libraries of the United States a proper history of the State; for at this late day few libraries contain any other books of this "history" than those by the old antagonistic writers.

APPENDIX IV.

The Deeds usually referred to as Wills:

I, Samuel Gorton, with respect to the great affection I bear to my son-in-laws and daughters, do fully give to them all right, etc., in that neck of land in Narragansett which was given unto Mr. Randall Holden and myself, and do grant unto son Daniel Cole and daughter Maher one-sixth part. (Also one-sixth) to son John Sanford and daughter Mary, son William Mace and daughter Sarah, son John Warner and daughter Anna, son John Crandall and daughter Elizabeth, son Benjamin Barton and daughter Susannah, the bounds thereof being more largely explained in the deed bearing date May 27, 1659.

Signed and sealed November 27, 1677, in Warwick.

Witnesses.

JOHN GREENE, Assistant,
RANDALL HOULDON,

SAMUEL GORTON [L. S.].

For good will, etc.—To son Samuel Gorton, Jr., being enlarged the more upon my mind by reason of his being instrumentally a great support unto me to help bring up my family when my children were young, etc.; unto whom also I commit the care of my beloved wife during her widowhood, if she live to be a widow, and appoint that she shall be maintained, &c.; also to have somewhat convenient for recreation in

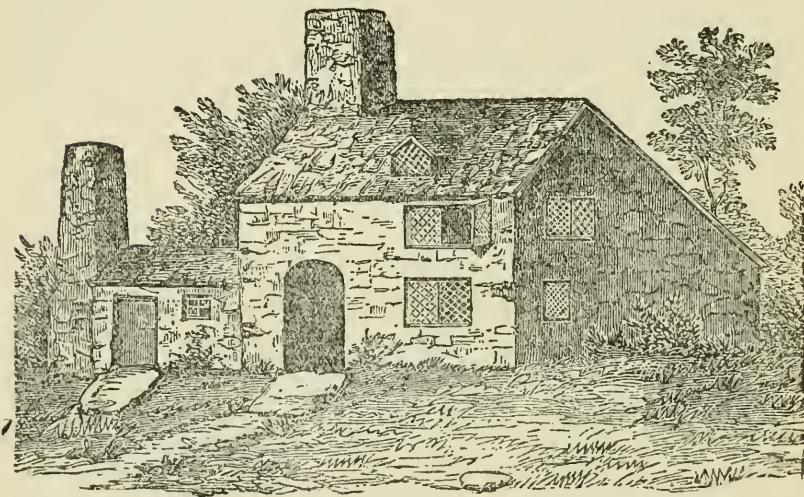
case she desire to visit her friends . . in consideration of the premises, to said son Samuel all right to my house and lot in Warwick, with appurtenances; and, further, my right in township of Warwick . . and a patch of marsh which is mine, for maintaining the widow Elizabeth Moore in her lifetime and for the charges of her decent burial. Also to son Samuel aforesaid one-third of my right of purchase beyond township of Warwick, having given other two-thirds to sons John and Benjamin.

I freely pass over all said lands as specified in the premises unto said son Samuel as well as the goods, moveables and chattels, and also my Library, together with all my deeds and writings.

In witness whereof, etc., I have hereunto set my hand and seal this 27th day of November, 1677, Warwick.

SAMUEL GORTON [L. S.].

Signed and sealed in presence of
JOHN GREENE, Assistant.
RANDALL HOULDON.



THE ONLY HOUSE STANDING IN WARWICK IN 1677

The stone house and fortress, built in 1649, by President John Smith. It, after his death in 1664, passed from his widow's family, the Sweets, to Thomas Greene, who occupied it, and whose descendants lived in it for many generations, and who were from this styled the Stone Castle Greenes. This house and the house of Samuel Gorton which was built by him during the summer of 1677, were probably the only completed houses that were in Warwick at the time of Samuel Gorton's death, in December, 1677.

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